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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO: 1:08-CR-274-16

EMOND DUREA LOGAN,

Defendant.

_____/

* * * *

SENTENCING HEARING

* * * *

BEFORE: THE HONORABLE PAUL L. MALONEY, CHIEF JUDGE
United States District Judge
Kalamazoo, Michigan
March 31, 2008

1 APPEARANCES:

2

APPEARING ON BEHALF OF THE PLAINTIFF:

3

4 JOHN C. BRUHA
5 BRIAN P. LENNON
Assistant United States Attorney
6 P.O. Box 208
Grand Rapids, Michigan 49501-0208

6

7 APPEARING ON BEHALF OF THE DEFENDANT:

8

SCOTT GRAHAM
Scott Graham, PLLC
1911 West Centre Avenue, Suite C
Portage, Michigan 49024

9

10

LEO JAMES TERRELL
Law Offices of Leo James Terrell
8383 Wilshire Boulevard, Suite 920
Beverly Hills, California 90211

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KATHLEEN S. THOMAS, U.S. District Court Reporter
410 West Michigan Avenue, Kalamazoo, Michigan 49007
(269)385-3050

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I N D E X

WITNESSES:	Page
ALVIN JACKSON: Government Witness	
Direct Examination by Mr. Bruha	6
Cross Examination by Mr. Graham	38
Redirect Examination by Mr. Bruha	55
Recross Examination by Mr. Graham	56
JOSEPH GUZMAN: Government Witness	
Direct Examination by Mr. Bruha	58
Cross Examination by Mr. Graham	67
Redirect Examination by Mr. Bruha	73
EMOND LOGAN: Defendant	
Direct Examination by Mr. Graham	74
Cross Examination by Mr. Bruha	79
Redirect Examination by Mr. Graham	98
Recross Examination by Mr. Bruha	99

E X H I B I T S

Rec'd.

Government's Exhibit No. 1 (transcript)	59
Government's Exhibit No. 2 (transcript)	59
Government's Exhibit No. 3 (letter)	62

1 Kalamazoo, Michigan
2 March 31, 2011
3 at approximately 1:37 p.m.

4 PROCEEDINGS

5 THE COURT: This is 08-274; The United States of
6 America vs. Emond Logan. This matter is before the Court
7 for sentencing.

8 The Court's file reflects that on September 13, of
9 the year 2010, the defendant pled guilty to Count One,
10 conspiracy to distribute and possess with intent to
11 distribute five kilograms or more, of cocaine, contrary to
12 21 U.S. Code 846, 841(a)(1), (b)(1)(A)(ii). The plea was
13 accepted by the Court at that time.

14 I accept the plea agreement finding the charges pled
15 to adequately reflect the seriousness of the actual
16 offense behavior.

17 The Court has been advised that there are objections
18 to the presentence investigation report and the scoring of
19 the advisory guidelines to be resolved today. The Court
20 has tentatively scored this case at Offense Level 40,
21 Criminal History Category III, resulting in an advisory
22 guideline range of 362 months to life.

23 The record should reflect that Assistant United
24 States Attorneys John Bruha and Brian Lennon are here on
25 behalf of the government. Attorney Scott Graham and Leo

1 Terrell are here on behalf of the defendant. The
2 defendant is present in person.

3 Mr. Graham and Mr. Terrell, have you had ample
4 opportunity of reviewing the presentence report with your
5 client?

6 MR. GRAHAM: Yes, your Honor.

7 MR. TERRELL: Yes, your Honor.

8 THE COURT: And I know that there are several
9 objections to the presentence report as far as the
10 defendant is concerned. Have I got the universe of the
11 objections?

12 MR. GRAHAM: Yes, your Honor.

13 MR. TERRELL: Yes, your Honor.

14 THE COURT: All right. Thank you.

15 Mr. Bruha, I don't think the government had any
16 objections to the report; is that right?

17 MR. BRUHA: We have no disagreements with the report
18 or the calculation, your Honor.

19 THE COURT: All right. Thank you.

20 The Court has been advised that one or more parties
21 wish to put on some proofs; is that right?

22 MR. BRUHA: The government does, your Honor, yes.

23 THE COURT: Okay. All right. Thank you.

24 And Mr. Graham, the universe of objections is the
25 ones that were originally stated. You don't intend to--

1 You're pursuing those objections, I guess, is my
2 question?

3 MR. GRAHAM: That is correct, your Honor, nothing
4 new, but we are pursuing those.

5 THE COURT: All right. Mr. Bruha, you may proceed,
6 sir.

7 MR. BRUHA: Government calls Alvin Keith Jackson.

8 ALVIN KEITH JACKSON - GOVERNMENT WITNESS - SWORN

9 COURT CLERK: Please be seated.

10 State your full name and spell your last name for the
11 record, please.

12 THE WITNESS: Alvin Keith Jackson, J-a-c-k-s-o-n.

13 DIRECT EXAMINATION

14 BY MR. BRUHA:

15 Q. Good afternoon, Mr. Jackson.

16 A. Good afternoon.

17 Q. Would you turn to face me, please?

18 A. Sure.

19 Q. How old are you?

20 A. Forty-four.

21 Q. And how much education do you have?

22 A. I have a college degree.

23 Q. Where did you receive that degree?

24 A. Tuskegee University.

25 Q. And what is your degree in?

1 A. Finance.

2 Q. And have you ever been in a mental hospital?

3 A. No.

4 Q. Have you received any mental health treatment?

5 A. No.

6 Q. Have you been in this courtroom before?

7 A. Yes.

8 Q. Did you plead guilty in this court to the charge of

9 conspiracy to distribute over five kilograms of cocaine?

10 A. Yes.

11 Q. And did you have a plea agreement with the government?

12 A. Yes.

13 Q. Did that plea agreement include cooperation with the

14 government?

15 A. Yes.

16 Q. And did that cooperation agreement include providing

17 truthful testimony if called upon to do so?

18 A. Yes.

19 Q. As part of your plea agreement, did the government agree

20 not to file a Supplemental Information against you that

21 would have increased your minimum mandatory sentence?

22 A. Yes.

23 Q. And prior to your sentencing, did the government file a

24 motion for downward departure based upon your substantial

25 assistance at that time?

1 A. Yes.

2 Q. And was that motion granted by the Court?

3 A. Yes.

4 Q. And what-- Were you sentenced in this court?

5 A. Yes.

6 Q. And what sentence did you receive?

7 A. 235 months.

8 Q. And how much cocaine were you held accountable for at your
9 sentencing?

10 A. Slightly over 1,000 kilos.

11 Q. Now, Mr. Jackson, do you know the defendant in this case
12 Emond Logan?

13 A. Yes.

14 Q. Is Mr. Logan present in the courtroom today?

15 A. Yes.

16 Q. Is he the only other person in the courtroom wearing an
17 orange jumpsuit?

18 A. Yes.

19 Q. How long have you known Emond Logan?

20 A. I believe I met Logan either 2001, 2002.

21 Q. Do you have any familial relationship with Mr. Logan?

22 A. He is my wife's brother-in-law.

23 Q. So if I understand correctly, Mr. Logan is married to your
24 wife's sister?

25 A. That is correct.

1 Q. And did there come a time when Mr. Logan became involved
2 in your drug trafficking activity?

3 A. Yes.

4 Q. When did that first begin?

5 A. 2003.

6 Q. What happened then?

7 A. He came to me to purchase small amounts of cocaine, kilo
8 size cocaine.

9 Q. Is that what you consider a small amount, a kilogram?

10 A. Yes.

11 Q. Did he ever purchase more than a kilogram at that time?

12 A. At that-- The first time, no. Eventually he would
13 purchase, I think at the most, either two or three.

14 Q. At a time?

15 A. At a time, but he didn't do it often. I think altogether
16 I had sold him small amounts of cocaine on maybe, on the
17 most, I would say, on three occasions.

18 Q. Did his relationship change with you at any time?

19 A. Say that again.

20 Q. Did Mr. Logan's drug relationship with you change at any
21 time?

22 A. Yes.

23 Q. After 2003?

24 A. Yes. It went from him being a purchaser of cocaine to
25 being a courier of cocaine.

1 Q. How did that come about?

2 A. He approached me in the summer of 2004 with an idea of him
3 quitting his current job, buying a semi tractor, becoming
4 an independent contractor or independent operator, as well
5 as he wanted to become a drug courier. So he asked me if
6 he quit his job, purchased a truck, could I make some
7 out-of-town contacts with him-- for him that would allow
8 him to transport cocaine for him-- for me, or for us.

9 Q. And what did you tell him?

10 A. I told him if he was going to quit his job and purchase a
11 truck on the idea of me being able to hire him as a drug
12 courier, not to do it, because I could make no guarantees
13 at all.

14 Q. Do you know whether or not Mr. Logan had any experience as
15 a drug courier at that time?

16 A. No.

17 Q. No, you don't?

18 A. I'm not aware of him having any experience as being a drug
19 courier at that time.

20 Q. Did he become a drug courier for you after that?

21 A. Yes.

22 Q. When did that begin?

23 A. In 2004.

24 Q. What part of 2004?

25 A. It would be the summer of 2004, or early fall.

1 Q. And what did Mr. Logan begin doing for you at that time?

2 A. Transporting small amounts of cocaine.

3 Q. Where?

4 A. To Detroit, Michigan.

5 Q. Did you have a cocaine customer in Detroit?

6 A. Yes.

7 Q. Who was your cocaine customer in Detroit at that time?

8 A. Lindell Brown.

9 Q. And what quantities of cocaine were you distributing to

10 Mr. Brown at that time?

11 A. Initially it was small amounts, anywhere from 10 to 15

12 kilos in the very beginning.

13 Q. And did it change after that?

14 A. Yes, it rapidly escalated upwards.

15 Q. How quickly?

16 A. Within months.

17 Q. And what did it escalate up to?

18 A. An average about 50 kilos per trip.

19 Q. When did you begin distributing 50 kilogram loads of

20 cocaine to Mr. Brown?

21 A. I can't give you an exact time, but like I said, it was

22 within months, so I would say if we began in August or

23 September of 2004, I would say probably by the end of

24 2004, beginning of 2005.

25 Q. How often was Mr. Brown receiving those kind of loads of

1 cocaine?

2 A. Approximately twice a month.

3 Q. And that would have been at least from the early part of

4 2005?

5 A. Yes. I mean as far as go back in 2004 at least twice a

6 month.

7 Q. But at least by 2005?

8 A. It started in 2004, we were going at least twice then, but

9 definitely by 2005, certainly.

10 Q. And averaging 50 kilograms per load?

11 A. By 2005, yes.

12 Q. What were you charging Mr. Brown for kilograms of cocaine?

13 A. It averaged or it varied from anywhere from \$18,000 to

14 \$20,000 per kilogram.

15 Q. And what were you paying Mr. Logan for transporting that

16 cocaine?

17 A. Initially it was about one-- it was exactly \$1,000 per

18 kilogram, and then it scaled down to approximately about

19 \$800.

20 Q. Did Mr.-- Was Mr. Logan doing anything for you besides

21 just transporting cocaine to Detroit?

22 A. He was also transporting the drug proceeds back to

23 California.

24 Q. Could you tell us how that worked, please?

25 A. He would drop off the loads of cocaine in the Detroit,

1 Michigan area, I would pick them up, take them to Brown,
2 he would sell them, I would package the money, take the
3 money to Logan in the Detroit area, he would transport the
4 money back to California, where I would later receive it
5 from him.

6 Q. And how much-- What were the amount of drug proceeds that
7 he would transport back to California from the Detroit
8 area?

9 A. It would vary on the quantities of drugs, but easily
10 several hundreds of thousands of dollars to slightly over
11 a million dollars.

12 Q. How long did you continue transporting loads of cocaine to
13 Lindell Brown?

14 A. Until his arrest in June, I believe, of 2005.

15 Q. Where was he arrested?

16 A. In the Detroit, Michigan, area.

17 Q. And what happened to your drug distribution business after
18 Mr. Brown was arrested?

19 A. It ceased.

20 Q. Permanently?

21 A. It was terminated.

22 Q. Permanently?

23 A. No, not permanently.

24 Q. How long did it cease?

25 A. I would say approximately two to three months.

1 Q. Did it cease completely with Mr. Brown?

2 A. Yes, it did.

3 Q. Did it resume with someone else?

4 A. Yes.

5 Q. Who was that?

6 A. Mr. Brown's co-conspirator.

7 Q. Who was that?

8 A. Felicia Blake.

9 Q. And were you familiar with Felicia Blake?

10 A. I had seen her before, yes.

11 Q. Was she previously associated with Mr. Brown during your
12 business dealings with Mr. Brown?

13 A. Yes.

14 Q. And did she then begin obtaining loads of cocaine from you
15 after Mr. Brown's arrest?

16 A. Yes.

17 Q. When did that begin?

18 A. Again, that would be late, I would say, the late summer of
19 2005 or early-- early fall or late summer, 2005.

20 Q. And what were you distributing to Ms. Blake at that time?

21 A. Cocaine.

22 Q. How much?

23 A. Again, on average about 50 kilograms per trip.

24 Q. How often were these trips?

25 A. Again, on average twice a month.

1 Q. Who was transporting that cocaine for distribution to Miss
2 Blake?

3 A. Logan-- Mr. Logan.

4 Q. And did you continue to use the same procedure as you did
5 before?

6 A. Yes.

7 Q. Did you have any problems or setbacks during your dealings
8 with Miss Blake?

9 A. Did I have any setbacks with Miss Blake?

10 Q. During the time you were dealing with Miss Blake?

11 A. Yes.

12 Q. What was that?

13 A. It was Memorial Day weekend, 2006, I had given Logan
14 approximately \$800,000 in cash to transport back to
15 California.

16 Q. Where did you give him that cash?

17 A. In the Ypsilanti area.

18 Q. And you personally delivered that amount of cash to
19 Mr. Logan?

20 A. Yes.

21 Q. And what was he supposed to do with it?

22 A. He was supposed to transport it back to California.

23 Q. And was he using a tractor trailer for these various trips
24 between California and Detroit?

25 A. Yes.

1 Q. And did that money make it back to California? Did the
2 money that you gave Mr. Logan on that occasion make it
3 back to California?

4 A. It made it, but not according to him.

5 Q. What happened?

6 A. At one time, like I said, I was-- I left after giving him
7 the money, I went on vacation in Florida. It was Memorial
8 Day weekend, 2006. When I returned home, it was a Monday
9 or Tuesday, he came to my house that morning, he rang the
10 doorbell, I came to the door, he looked as if he was-- he
11 had a sad face, and I said, "What's wrong?" I thought he
12 had gotten into it with his wife. He said, "Man, they got
13 the money." I said, "Who got the money?" He said, "The
14 police." And I said, "Well, what happened?" He said, "I
15 was-- my nephew was driving through New Mexico, and he was
16 speeding, and he was pulled over." He said, "They ran a
17 name-- they ran his name," and he was, I believe at the
18 time, he was on probation for a marijuana charge, they
19 searched the vehicle, found the money, took the money and
20 told him to get the fuck out of there.

21 Q. Out of where?

22 A. Out of New Mexico.

23 Q. And that's what Mr. Logan related to you?

24 A. Yes, and I thought that was odd.

25 Q. Why?

1 A. When he used those words, "They took the money and told me
2 to get the fuck out of there."

3 Q. Why?

4 A. Because before we had done anything, he had sat down in my
5 house and he says, "What you think would happen if I were
6 to get pulled over and the police take the money and they
7 tell me to get the fuck out of there?" I said, "Well,
8 normally that wouldn't happen." I said, "The standard
9 procedure is they would probably seize the money, give you
10 a receipt, and there would be an ongoing investigation."
11 We just left it at that. But he used those exact words.

12 Q. When did you have that conversation with Mr. Logan?

13 A. That would be in the summer of 2004, before we had done
14 any courier transport-- any type of courier work.

15 Q. Before he transported any cocaine or drug proceeds for
16 you?

17 A. Yes.

18 Q. And did he use those same words in describing what
19 happened to him in New Mexico?

20 A. The same words that he told me, "They took the money, and
21 told me to get the fuck out of there."

22 Q. And did he provide you with any paperwork--

23 A. He had a--

24 Q. --documenting any stop?

25 A. Yes, he had something to the effect of something like

1 vehicle inspection report.

2 Q. And did that say anything about any money?

3 A. No, it was an inspection of the vehicle.

4 Q. Did he have a receipt for any money that was taken from
5 him?

6 A. No, he did not.

7 Q. Did he have any seizure papers showing that any money had
8 been seized by the police?

9 A. He had nothing to that effect.

10 Q. Did he ever show you any other documentation for that
11 money?

12 A. No.

13 Q. Did you ever receive any portion of that \$800,000 back?

14 A. Yes.

15 Q. What did you receive?

16 A. That day when he came to the house, he had \$100,000 that
17 he turned over to me and said it was part of his savings,
18 and then he agreed that we would continue-- or we were
19 going to continue with the drug operation, and he would
20 work at a reduced rate.

21 Q. Were you suspicious that Mr. Logan had ripped you off for
22 \$700,000?

23 A. I was very suspicious.

24 Q. Why did you continue doing business with him?

25 A. Because I had to pay off the drug debt.

1 Q. Who did you owe that money to?

2 A. My suppliers.

3 Q. And was that for marijuana that you obtained-- I mean

4 cocaine you had obtained on front from them?

5 A. Yes.

6 Q. And did you end up paying back the suppliers for that

7 money?

8 A. Eventually, yes.

9 Q. How did you go about doing that?

10 A. I just would give them monthly installments.

11 Q. And how did you earn or obtain the money to make up that

12 debt?

13 A. Drug proceeds.

14 Q. From additional drug deliveries to Detroit?

15 A. Yes.

16 Q. And were you still paying-- Was Mr. Logan still

17 transporting the cocaine to Detroit for you after that?

18 A. Yes.

19 Q. What were you paying Mr. Logan for those trips?

20 A. Again, like I said, it would be a reduced rate, and I

21 think we agreed he would make five or six trips at reduced

22 rate, and then after that he will go back to his normal

23 rate.

24 Q. Did that happen?

25 A. Yes.

1 Q. How quickly did he go back to his normal rate?

2 A. Within months, a couple of months.

3 Q. Now, after the incident where the money was not returned

4 from that trip, did you continue making approximately two

5 deliveries a month to customers in Detroit?

6 A. Yes, on average again. Yes, twice a month.

7 Q. What were the amounts of those loads of cocaine?

8 A. They were averaging approximately about 50.

9 Q. So did your cocaine business with customers in Detroit

10 continue pretty much as it had before?

11 A. Yes.

12 Q. And how long did that continue?

13 A. Until January 27th, of 2007.

14 Q. Did you make any-- or did you have any loads of cocaine to

15 Detroit in the month of January, of 2007?

16 A. Yes.

17 Q. How many loads did you have in that month?

18 A. I would say two.

19 Q. And what happened on January 27th, 2007?

20 A. On that morning, I had-- I was expecting a call from

21 Logan, because he had called me the night before and said

22 he would be in the area in the morning to pick up the drug

23 proceeds.

24 Q. Are these proceeds from one or both of the loads in

25 January?

1 A. One of the loads.

2 Q. I'm sorry?

3 A. One load.

4 Q. Which load?

5 A. The last load.

6 Q. And how much did you have in proceeds?

7 A. Over a million dollars.

8 Q. From that load?

9 A. Yes.

10 Q. And what were you going to do with that? What were you
11 going to do with the proceeds?

12 A. I was going to give them to Logan to transport for me.

13 Q. What happened?

14 A. Like I said, he had called me the night before and said he

15 would be in the area in the morning around, I believe

16 7:00, 7:30, so I got up Sunday morning around 7:00

17 o'clock, and I waited until about 8:00 o'clock. I didn't

18 hear from Logan. I called him, and he said he was en

19 route, but there was bad weather, and he would be there in

20 a few hours, and he would give me a call. I believe he

21 called me maybe around 11:00, 11:30, and said he says,

22 "I'm here." I said, "Where are you, at the store or the

23 shop?" We had two different meeting locations, and he

24 said, "I'm at the truck place, the shop."

25 Q. Where was that?

1 A. That was in Ypsilanti, Michigan.

2 Q. What area?

3 A. It's-- When you say what area?

4 Q. What is it near?

5 A. It's near the airport, Detroit Metro Airport.

6 Q. Is it near an expressway?

7 A. I-94.

8 Q. And what is located at that spot?

9 A. It's a business. At the time, I don't know what it is
10 now, but at the time, it was a business that sold and
11 serviced tractor trailers.

12 Q. And why did you use that location as a meeting spot?

13 A. That was a location that Logan had scouted out, and upon
14 me going there and saw it, it was the perfect location, it
15 was well secluded, isolated from the public view, for the
16 most part.

17 Q. And had you used that location before?

18 A. Many times.

19 Q. And did you go to that location on that morning?

20 A. Yes.

21 Q. Was the business open at that time?

22 A. No, it was not.

23 Q. What day of the week was this?

24 A. This was on a Sunday, and it was after 11:00 o'clock a.m.
25 in the morning.

1 Q. Was Mr. Logan there when you arrived there at the
2 location?

3 A. His vehicle was there. Normally when I go meet him to
4 drop off the drug proceeds, he is usually sitting at the
5 wheel, and I noticed when I pulled into the parking lot,
6 he wasn't sitting at the wheel, the driver's wheel, so I
7 just parked. It was his truck and there was a Fed Ex
8 truck, so I just parked in between the two trucks, and I
9 began to call Mr. Logan on my cell phone, and it just rang
10 and rang and rang, and eventually he appeared at the
11 driver wheel of his truck, and I just hung up my phone.
12 He opened up his door and began to put his shoes on, and
13 he exited his vehicle and started approaching the driver's
14 side of my vehicle.

15 Q. And then what happened?

16 A. At that time, a vehicle drove into the parking lot, it was
17 a blue Dodge Charger, and it immediately drew my
18 suspicion.

19 Q. Why?

20 A. Because that is the type of vehicle that is used as an
21 undercover police-- narcotics undercover vehicle in the
22 Los Angeles area, so I thought maybe it was law
23 enforcement.

24 Q. Was anyone else at that location besides Mr. Logan when
25 you arrived?

1 A. No, not that I'm aware of.

2 Q. Was anyone else with Mr. Logan?

3 A. Not that I'm aware of, no.

4 Q. So what did you do then after you saw the Dodge Charger
5 pull in?

6 A. Well, once I saw that, Logan came to my driver's side
7 window and we began having a conversation, I said, "Did
8 you see that vehicle?" And he acknowledged seeing the
9 vehicle, but he-- I don't know what his exact words, but
10 basically assuring me not to worry about it. And he began
11 to have a discussion that he hadn't secured a load yet, so
12 we are not going to put the money in the back of the
13 trailer, we are going to put it on-- he had a little side
14 compartment on the passenger side of his vehicle, and we
15 were going to store the money there.

16 Q. Was that out of the ordinary?

17 A. Yes, it was out of the ordinary, because normally we would
18 always stash the proceeds in the tractor-- in the trailer
19 portion of the vehicle.

20 Q. Did Mr. Logan seem concerned at all about the Dodge
21 Charger that had pulled in?

22 A. No. Again, like I said, he said-- he acknowledged seeing
23 it, but he basically was just reassuring me it's nothing
24 to worry about. So eventually that vehicle, like I said,
25 it pulled in, and eventually it turned back around, and at

1 one point, it parked at an angle to the Fed Ex truck, I
2 would say maybe a 45 degree angle, and I couldn't see the
3 occupants of the vehicle, but I could see the front end of
4 the vehicle.

5 Q. So was it parked in the same direction of the Fed Ex truck
6 or facing the Fed Ex truck?

7 A. It was slightly parked at, like I say, a 45 degree angle.
8 The truck is parked like this, it pulled like this.

9 Q. So nose pointing towards the Fed Ex truck at an angle?

10 A. Yes.

11 Q. And your vehicle was between the Fed Ex truck and
12 Mr. Logan's truck?

13 A. That is correct.

14 Q. What else happened at that time?

15 A. Like I said, we were having a discussion, and then when
16 this car pulled up and it parked, again, I motioned to the
17 vehicle for him to check out the occupants, and he looked
18 over and he looked back at me, and he said-- I don't know
19 what his exact words, but again, he was just reassuring me
20 there's nothing to worry about. I don't know who it is.
21 It looks okay to me. It's fine with me. Let's do what we
22 have to do basically.

23 Q. So what did you do?

24 A. So he stood in front of my vehicle and he motioned with
25 his head like come on, let's start transporting the

1 proceeds from your car to my vehicle. When he nodded his
2 head to come on, the passenger from the car exited the
3 car, and I remained seated in my vehicle with the engine
4 running. This occupant of the car, I couldn't make him
5 out, but he-- I got a slight glimpse of the occupant when
6 he walked down the side of the Fed Ex truck, because there
7 was a gap between the trailer and the cab, a small gap.

8 Q. So when you're talking about a Fed Ex truck, are you
9 talking about a Fed Ex delivery van or something larger
10 than that?

11 A. No, larger. It's a semi tractor trailer.

12 Q. All right. And you saw the passenger from the Dodge
13 Charger walk where?

14 A. He started walking alongside the driver's side of the Fed
15 Ex truck, and he was kicking the tires.

16 Q. Would that be the side of the Fed Ex truck that was away
17 from you?

18 A. Yes, it was away from me. He was walking down the
19 driver's side. I was right parked next to the passenger's
20 side of the Fed Ex truck.

21 Q. So the passenger is on the opposite side of the Fed Ex
22 truck from where you're parked?

23 A. The passenger who exited the vehicle, yes.

24 Q. All right. And then what happened?

25 A. I said he started walking down alongside of the driver's

1 side of the truck, the Fed Ex truck, and I got a slight
2 glimpse of him, just a side view. He had a hooded
3 sweatshirt on, and he was kicking the tires as if he was
4 checking the tires. And something is not right here,
5 because this is a Fed Ex truck, but this person does not
6 have on a Fed Ex uniform.

7 Q. How was the person dressed?

8 A. Again, just had on dark clothing and a dark hooded
9 sweatshirt. I'm still not certain of who this person is,
10 so I'm not getting out of my vehicle to do anything.
11 Logan is still standing in front of my vehicle.
12 Eventually this person goes underneath from the driver's
13 side of the trailer to the passenger's side, and he kneels
14 behind the tire well, and he does a cocking motion-- I see
15 all of this in my rearview mirror-- and he comes from
16 underneath this trailer. Now he is in a ski mask and he
17 is creeping up from behind with a pistol in his hand, and
18 again, Logan is just standing in front of me.

19 Q. So he is creeping up behind what?

20 A. My vehicle.

21 Q. On the driver's side?

22 A. On the driver's side of my vehicle.

23 Q. How were you seeing this?

24 A. Through my rearview mirror as well as the-- what, the
25 rearview mirror inside of the car and there's a side

1 mirror on the driver's side of the car as well.

2 Q. Did the passenger have anything at that time?

3 A. He had a loaded gun in his hand.

4 Q. You could see a gun?

5 A. Absolutely.

6 Q. And where was Mr. Logan when this was happening?

7 A. Standing directly in front of my vehicle.

8 Q. Was Mr. Logan in direct line of sight of this person

9 sneaking up behind you?

10 A. He could see-- Not only could he see the person sneaking

11 up from me, he could see directly, if he looked to the

12 side, directly into the vehicle as well.

13 Q. Which vehicle?

14 A. That the person had exited from.

15 Q. The charger?

16 A. Yes.

17 Q. Did Mr. Logan say anything to you at that time?

18 A. No, he did not.

19 Q. Did he warn you?

20 A. He didn't do anything. He just stood there.

21 Q. What happened?

22 A. Eventually he, as the person-- the assailant, now with a

23 gun in his hand, is approaching me from the rear,

24 eventually Logan just casually disappears out of my line

25 of vision.

1 Q. And what did you do?

2 A. When the gunman approached my vehicle, he demands-- he

3 says, "Get out of the car. Get out of the car." And I

4 hit the accelerator and he lets off one or two rounds.

5 Q. And you hear gunshots?

6 A. Yes.

7 Q. Were you hit?

8 A. I was hit, but at the time, I wasn't-- I wasn't sure

9 because, well, I smelled gunpowder, but I wasn't-- I

10 didn't-- I thought if you got shot, you would be in a lot

11 of pain, but I wasn't in any kind of pain, but I could

12 smell gunpowder.

13 Q. And where was Mr. Logan at that time?

14 A. At the time of the shooting, again he had disappeared out

15 of my line of vision.

16 Q. Did you hear him say anything at all?

17 A. I didn't hear him say a word.

18 Q. Did you notice anything when you were trying to get out of

19 there?

20 A. Yes. As I exited from between the two vehicles, I looked

21 directly into the vehicle and the driver is sitting there

22 with a hood and a ski mask on as well.

23 Q. In the Charger?

24 A. Absolutely.

25 Q. And--

1 A. And then I looked back in the rearview mirror, and the
2 gunman is just standing there like he is dumbfounded, like
3 what do I do next.

4 Q. What did you do next?

5 A. I continued on to-- well, I got right onto my cell phone
6 to call my wife to inform her what had just happened to
7 me.

8 Q. And you're driving at this time?

9 A. Absolutely.

10 Q. And where is the money?

11 A. In the trunk of my car.

12 Q. And did you get ahold of your wife?

13 A. Eventually I did, yes.

14 Q. Did you talk to anyone else before you talked to your
15 wife?

16 A. Yes. Like I said, I called my wife, there was no answer,
17 it went to voicemail, so I immediately hung up with her
18 and called Felicia Blake, and I told her, I said, "I need
19 you to listen carefully to what I'm about to tell you." I
20 said, "I need you to call my wife, here's her name, here's
21 her phone number, and tell her that Emond had just tried
22 to rob and kill me and I was on my way to a hospital."

23 Q. Now, you said Emond-- You told her Emond tried to rob and
24 kill you?

25 A. I told her Emond Logan. I said-- I gave her his first and

1 last name. I said, "Call my wife, here's her name, first
2 and last name, here is her phone number, tell her that
3 Emond Logan, her brother-in-law my brother-in-law had just
4 tried to rob and kill me. I said, "In the event I don't
5 make it to the hospital, in the event that I die, you make
6 certain to call my wife and tell her that Emond Logan
7 tried to rob and kill me."

8 Q. Was Emond Logan the person who shot you?

9 A. No.

10 Q. So why did you say to her Emond Logan tried to rob and
11 kill you?

12 A. Because he was, in my opinion, absolutely responsible for
13 it.

14 Q. And why did you feel that way?

15 A. Again, the meeting place, no one knew of this other than
16 myself and maybe one other person, Logan, and another
17 person perhaps, and that other person wasn't present. So
18 no one knew where I was going that day, at that time, and
19 what type of vehicle I would be in, because why would
20 someone out of the blue want to-- they in a brand new
21 Dodge-- Dodge Charger, what the hell would they want with
22 a Ford Taurus, something they wanted and how would they
23 know that that vehicle was more valuable than their
24 vehicle.

25 Q. Had you discussed with anyone else besides Mr. Logan when

1 you were going to be at that location?

2 A. I told no one. No one knew. No one but Logan.

3 Q. And anything else make you feel that way?

4 A. His reactions or lack thereof.

5 Q. Anything else?

6 A. Again, like I said, I got back on the phone. Eventually I

7 spoke with my wife, told her what happened. She was in

8 the presence of his wife as well as our mother-in-law.

9 Q. Where?

10 A. I believe at the time they were at the mother-in-law's

11 house, that would be their mother, my mother-in-law.

12 Q. Where is that?

13 A. Riverside, California.

14 Q. California?

15 A. Yes.

16 Q. And what did you tell your wife?

17 A. I said-- "I been-- I think I've been shot. Emond tried to

18 rob and kill me." And she said, "Oh, my God, Emond tried

19 to rob and kill Papa." Carol is her sister, and I heard

20 her in the background she said, "Oh, no, no, no." And I

21 believe she began to call Emond on his phone, and I heard

22 her in the background, she said, "You tried to rob and

23 kill Papa," or something to that effect. And my wife

24 said-- She hung up the phone, and she said, "Okay. I'll

25 call you back later. I got to get out of here." And she

1 hung up the phone. And eventually she called me back

2 later.

3 Q. Who is Papa?

4 A. That's my nickname, sir.

5 Q. Is that how Mr. Logan referred to you?

6 A. Yes.

7 Q. At that time did you realize you had been shot?

8 A. Again, I wasn't sure, because I'm thinking if you get shot

9 it's going to hurt. I wasn't in pain, but I could smell

10 gunpowder, so I was almost certain. I'm still kind of

11 not, you know, my faculties are not straight. I'm not

12 certain what is going on. I'm not sure what is really

13 going on. I can't believe what just happened. I'm

14 dumbfounded. I can't believe that my brother-in-law would

15 actually try to do this.

16 Q. So what did you do?

17 A. I got back on the phone with Felicia Blake, and she was

18 giving me directions to the nearby hospital.

19 Q. Did you go to a hospital?

20 A. Yes, I did.

21 Q. And when you got to the hospital, did you find out you had

22 been shot?

23 A. Yes.

24 Q. Where were you shot?

25 A. I was shot in the chest.

1 Q. Was it a serious injury?

2 A. Yes, it was a serious injury.

3 Q. And did you remain at the hospital?

4 A. For five days.

5 Q. And what happened to the money that was in your car?

6 A. It was given to Blake to safe keep for me.

7 Q. Given to her how?

8 A. Actually, she-- it was-- it remained in the trunk of the
9 car, and she just took possession of the car.

10 Q. Was the car at the hospital?

11 A. I believe at one point in time it was at the hospital, and
12 it may have remained at the-- I think it remained at the
13 hospital, but I believe she eventually would just take the
14 proceeds out of the trunk of the car and transfer them to
15 her vehicle or she would-- or she would drive the vehicle,
16 put the money up and bring the vehicle back, because the
17 vehicle was recovered at the hospital, if I'm correct
18 about that.

19 Q. And did you eventually get the money back?

20 A. Yes.

21 Q. How?

22 A. I had someone else courier it back for me.

23 Q. Now, after you got to the hospital?

24 A. Yes.

25 Q. Did you ever hear from Mr. Logan?

1 A. Logan had called me while I was at the hospital, which

2 would be maybe 45 minutes after the shooting.

3 Q. And did you talk to him?

4 A. No, I did not answer the phone.

5 Q. Did you ever hear from Mr. Logan after that?

6 A. Never, ever.

7 Q. Ever?

8 A. Ever.

9 Q. Did he come visit you at the hospital?

10 A. No.

11 Q. Did he ever contact you to see how you were doing?

12 A. No, never.

13 Q. Did he ever talk to you about what happened in that truck

14 lot that day?

15 A. Never.

16 Q. After being-- Since the time you were shot, have you ever

17 spoken to Mr. Logan again?

18 A. Never again in my life.

19 Q. Have you had any drug dealings of any type with Mr. Logan

20 since that time?

21 A. No.

22 Q. Were you questioned by the police about what had happened?

23 A. Yes.

24 Q. What did you tell the police?

25 A. Initially I told them I had went to go and meet my

1 brother-in-law. I spoke to some officer out of Dearborn
2 County, and then I said no, no, I recanted that. I said I
3 just went to go look at some trucks, and then when the
4 other officers from another county came to question me, I
5 just told them I believed I was a victim of a car
6 jacking.

7 Q. Now, who was your brother-in-law you were referring to?

8 A. Emond Logan.

9 Q. So that's who you meant by your brother-in-law?

10 A. Yes.

11 Q. And the first version you gave to the police was that you
12 were meeting your brother-in-law at that location?

13 A. Yes.

14 Q. And did you change that?

15 A. Yes.

16 Q. Why?

17 A. Because I didn't want to draw suspicion to myself.

18 Q. And did anything further come of this incident after that?

19 A. Not that I'm aware of.

20 Q. So even though your wife-- your wife's sister or you and
21 Mr. Logan are married to sisters, you never had any
22 further discussion or contact with Mr. Logan after this
23 incident?

24 A. Never.

25 Q. Mr. Jackson, how much cocaine did you tell us you were

1 held accountable for at your sentencing?

2 A. Slightly over 1,000 kilos.

3 Q. How much of that cocaine did Mr. Logan transport?

4 A. All of it.

5 Q. Over a thousand kilograms?

6 A. Yes.

7 Q. And what is your best estimate of how much money you paid

8 Mr. Logan altogether for transporting that cocaine?

9 A. Over a million dollars.

10 Q. Was that just for transportation?

11 A. Yes.

12 Q. Does that amount include the money that was supposedly

13 lost in New Mexico?

14 A. No, it does not.

15 Q. Did Mr. Logan ever discuss with you how much money he was

16 making?

17 A. At one point in time, it was either late 2005, early 2006,

18 he said to me-- he said, "I know I've made over \$700,000,

19 but hell, I'm spending it as fast as I make it. I don't

20 have anything to show for it. I mean not show for it, I'm

21 unable to save it. I'm spending it as fast as I'm making

22 it."

23 Q. And you said that was in late 2005, early 2006?

24 A. Yes.

25 Q. And did Mr. Logan continue transporting cocaine for you

1 for approximately another year after that?

2 A. Yes.

3 MR. BRUHA: May I have just a moment, your Honor?

4 (Pause in proceedings.)

5 MR. BRUHA: I'll pass the witness.

6 THE COURT: Mr. Graham.

7 CROSS EXAMINATION

8 BY MR. GRAHAM:

9 Q. Mr. Jackson, let me get a few background facts straight in
10 my own mind.

11 When did you first start selling drugs?

12 A. When I first started selling drugs?

13 Q. Yes.

14 A. 1980.

15 Q. In about 1980. And you've sold drugs, for the most part,
16 continually since then until you were arrested?

17 A. Not continuously, no. On and off throughout the years,
18 yes.

19 Q. Okay. When you started selling, you sold cocaine,
20 correct?

21 A. No.

22 Q. What did you sell?

23 A. Joints of marijuana.

24 Q. Okay. How quickly after you started selling marijuana did
25 you move to cocaine?

1 A. That would be about four years later.

2 Q. Okay. Now, you testified that part of your plea agreement
3 provided that the government would not file an Information
4 or Supplemental Information against you that would have
5 increased your mandatory minimum sentence, correct?

6 A. Correct.

7 Q. And you're aware of what happened in regard to that
8 provision of your plea agreement, you understand it,
9 correct?

10 A. Yes.

11 Q. Okay. What was the conviction for that they were going to
12 file the Information?

13 A. Say that again.

14 Q. What was the conviction?

15 A. Oh, the prior conviction?

16 Q. Yes.

17 A. It was possession or-- either possession or transportation
18 of four-tenths of a gram of heroin.

19 Q. Okay. It was a delivery of heroin charge, correct?

20 A. No, I don't know. Either-- It was either possession or
21 transportation of four-tenths of a gram of heroin.

22 Q. Okay. Why don't you tell me about the other felony
23 convictions you have. We know about this one, right?

24 A. Ah-huh.

25 Q. Is that yes? You have to say yes or no.

- 1 A. Yes.
- 2 Q. And we know about the heroin conviction, correct?
- 3 A. Correct.
- 4 Q. Okay. What other felony convictions do you have?
- 5 A. I have a battery conviction. I don't know if that's
- 6 felony, that may be a misdemeanor.
- 7 Q. Okay. Anything else?
- 8 A. No.
- 9 Q. Okay. Now, you graduated in what year from college?
- 10 A. 1992.
- 11 Q. Okay. And what legitimate jobs have you had since 1992?
- 12 A. Legitimate jobs. I've been-- I've done a lot of
- 13 investing, real estate, stock investing.
- 14 Q. Investing drug proceeds?
- 15 A. For the most part, yes.
- 16 Q. Okay. So you've taken your college degree and what you've
- 17 done is you've figured out how to sell drugs and then how
- 18 to make money from that, correct?
- 19 A. I figured that out before I went to college, sir.
- 20 Q. And so you are on the same plan before you were to
- 21 college, same plan after, correct?
- 22 A. Not-- No, not initially, but yes, eventually I would get
- 23 back to selling drugs, if that's your question, yes.
- 24 Q. And investing and making money, correct?
- 25 A. Yes.

1 Q. Okay. Now, when you made your deal with the government,
2 part of that deal was that you were going to tell them
3 everything you knew about criminal activity, correct?

4 A. Everything that they asked me about, yes.

5 Q. Well, didn't they tell you that you were required to tell
6 them truthful answers-- provide truthful answers to what
7 they asked you, and you were to tell them things you knew,
8 even if they didn't ask about it if it was criminal? Full
9 disclosure?

10 A. Perhaps, yes.

11 Q. Okay. You lied to them repeatedly about your assets,
12 didn't you?

13 A. According to the results of a polygraph examination,
14 correct.

15 Q. Okay. For example-- For example, you told me that you
16 made a living by selling drugs and then investing the drug
17 proceeds, correct?

18 A. Correct.

19 Q. Okay. Now, you are married, right?

20 A. Yes.

21 Q. Okay. Where does your wife live?

22 A. In Corona, California.

23 Q. In a house that you own with her?

24 A. Yes.

25 Q. Okay. And what is that house worth?

- 1 A. I couldn't tell you now with the market where it is now.
- 2 I have no way of knowing.
- 3 Q. Several hundred thousand dollars, correct?
- 4 A. I would say probably, yes.
- 5 Q. Okay. How many cars do you have?
- 6 A. I have none.
- 7 Q. Okay. How many cars does she have?
- 8 A. I believe she has one.
- 9 Q. Okay. Money? Where do you have money put up? Where do
- 10 you have money that you haven't told the government about?
- 11 A. I have no money put up anywhere.
- 12 Q. Okay. So what happened was, the government confronted you
- 13 about your assets after you started to proffer, correct,
- 14 and asked you to tell them about the location of all of
- 15 the proceeds of your criminal activity, correct?
- 16 A. Correct.
- 17 Q. And you gave them answers, correct?
- 18 A. Correct.
- 19 Q. And they told you they didn't believe you, didn't they?
- 20 A. Correct.
- 21 Q. And in order to resolve that dispute about whether you
- 22 were telling the truth or not, you took two polygraphs,
- 23 didn't you?
- 24 A. Yes.
- 25 Q. You failed both of them, didn't you?

1 A. Yes.

2 Q. The first one was administered by a government polygraph
3 examiner, correct?

4 MR. BRUHA: Objection to polygraph questioning, your
5 Honor.

6 MR. GRAHAM: Well, they disclosed it as part of the
7 Jencks material and the Brady material here, and it's a
8 sentencing hearing.

9 THE COURT: Go ahead.

10 BY MR. GRAHAM:

11 Q. So to resolve this dispute, because I mean I'm watching
12 you and you are a person who appears to be a person of
13 conviction, a person who knows what he thinks and
14 expresses himself forcefully, and that is the way you told
15 the government you had no assets, correct?

16 A. The government was interested if I had-- if I was still
17 hiding what they termed high value assets, and I
18 repeatedly denied that.

19 Q. Okay. And they told you they didn't believe you and
20 everybody agreed let's resolve this with a polygraph,
21 correct?

22 A. No, that's how it was-- Initially how it took place is I
23 proffered. He says well, of course, you know, there is
24 still some questions about your assets and the whole bit
25 about the polygraph examination, to begin with, they were

1 considered me taking the polygraph examination, if I
2 passed it, they would consider settling my case in
3 California, that was the reason for even taking the
4 examination.

5 Q. Because they didn't believe you when you told them that
6 you didn't have assets of significant value, correct?

7 A. Correct.

8 Q. That's the whole point. So you took the polygraph.
9 During the polygraph, you were asked point blank, do you
10 have assets of, I don't know if it was a dollar value, but
11 they asked you point blank yes or no questions, correct?

12 A. They asked me a series of questions, correct.

13 Q. All yes or no, correct?

14 A. I believe so, yes.

15 Q. Okay. Nothing difficult for you to understand, correct?

16 A. Correct.

17 Q. And you answered the questions yes or no, whatever answer
18 you thought was appropriate, correct?

19 A. Yes.

20 Q. And you failed the polygraph, right?

21 A. Yes.

22 Q. Okay. So in order then to try to move from there and gain
23 a more advantageous position, you and your attorney
24 scheduled your own private polygraph, correct?

25 A. Correct.

1 Q. And the same thing happened, you were asked yes or no
2 questions about your assets, correct?

3 A. Correct.

4 Q. And you gave the appropriate answers, correct?

5 A. Correct.

6 Q. And the polygraph examiner that you hired told you that
7 you failed?

8 A. His words-- Yes, more or less, yes.

9 Q. Okay. So you have other assets out there that you want to
10 protect, don't you?

11 A. No.

12 Q. Okay. The only asset you have then is the house, is that
13 it?

14 A. The house and a vehicle.

15 Q. Okay.

16 A. Like I said, my wife-- my wife has the vehicle now, but
17 my-- yes, my asset, my main principal asset would be the
18 home.

19 Q. How much money did you make selling drugs?

20 A. What-- During what time period?

21 Q. Your life. I mean you are a person who keeps track?

22 A. No, I never kept-- I would say several million dollars.

23 Q. Several million dollars?

24 A. Yes.

25 Q. During this time period, let's say 2000-- from 2000 until

1 the time you were arrested, how much money did you make?

2 A. Again, I would say upwards of maybe two or three million
3 dollars.

4 Q. Okay. And what did you do with that money?

5 A. I've done various things with it, invest it, spent it,
6 losses.

7 Q. You talked about quantity involving Mr. Logan, and you
8 talked about this notion of setting up a network of going
9 from California to other areas to have drugs driven or
10 couriered, you mentioned that he asked you about that
11 first. Is that your testimony, that he raised the subject
12 with you first or is it correct that you talked to him
13 first?

14 A. No, my testimony is he approached me with the idea.

15 Q. Okay. You had connections in Detroit, correct?

16 A. When you say I had connections, I had buyers for cocaine
17 in Detroit.

18 Q. Yes, you had drug customers in Detroit, correct?

19 A. Yes.

20 Q. And you were actually engaged in business with them the
21 first time you ever talked with Mr. Logan about
22 transporting drugs to Detroit, correct?

23 A. Repeat the question again.

24 Q. Okay. When you first talked with Mr. Logan about
25 transporting drugs, about him transporting drugs--

1 A. Uh-huh.

2 Q. --from California to Detroit?

3 A. Uh-huh.

4 Q. --you were already involved with drug customers in

5 Detroit, correct?

6 A. If you mean if I was actually doing business in Detroit?

7 Q. Yes.

8 A. No, I wasn't, not in 2004, no.

9 Q. Well, then how long did it take you to find customers or

10 find a connection in Detroit after this first

11 conversation?

12 A. I was aware of a person who was already here selling drugs

13 in 2004.

14 Q. Okay. So you contacted that person?

15 A. Yes.

16 Q. And you made arrangements then for drugs to be shipped

17 there?

18 A. Yes.

19 Q. Now, you talked today about these small, what you called

20 these small quantities at the beginning, one-- no more

21 than three times, one, two or three kilos, something like

22 that?

23 A. Yes.

24 Q. Then you talked about 50 kilo loads, correct?

25 A. Yes.

1 Q. Now, do you remember when you testified in this case
2 before the grand jury?

3 A. Uh-huh.

4 Q. I'm sorry, you have to answer yes or no.

5 A. Okay.

6 Q. Is that yes?

7 A. Yes.

8 Q. You did testify before the grand jury, correct?

9 A. Yes.

10 Q. And you were asked the same question what were the
11 quantities, correct?

12 A. Yes.

13 Q. And you gave an answer, "It went from 10 to 13 to 15 to 20
14 to 25 to 30, 35 to 40 to 50, like that." Correct?

15 A. Yes.

16 Q. That was your testimony to the grand jury, correct?

17 A. Yes.

18 Q. Okay. That was not your testimony today, was it?

19 A. For the most part I said it started off about 10 to 15 and
20 it escalated upwards.

21 Q. Okay. Now, who else would drive drugs, courier drugs for
22 you from California to any other location?

23 A. No one.

24 Q. Okay. So you are saying Mr. Logan was the only person
25 involved?

1 A. Yes.

2 Q. Now, you gave some testimony about how much money

3 Mr. Logan made, and you were asked specifically-- and when

4 I say made, made dealing with you, and then you were asked

5 specifically whether that included the New Mexico

6 incident. I thought you testified that whatever happened

7 in New Mexico was worked out between you and Mr. Logan

8 with some quick trips afterwards, isn't that correct?

9 A. What do you mean something worked out, what do you mean?

10 Q. Well, he was going to work for a reduced rate you

11 testified, correct?

12 A. Yes.

13 Q. Okay. And you testified that that happened, that he made

14 a number of trips at the reduced rate, correct?

15 A. Yes.

16 Q. And then things evened out, correct?

17 A. No, it never evened out.

18 Q. Oh, you never got square with him over that?

19 A. No, that was just-- He absorbed a portion of the loss,

20 and I absorbed most of the loss.

21 Q. When you said he would get even, when you gave the

22 testimony he would get even in five or six trips and then

23 go back to his normal rate?

24 A. Uh-huh.

25 Q. Are you saying that never happened?

1 A. No, I never used the word even. What I said is we agreed
2 that he would make several trips at a reduced rate and
3 that would make up for his part of the loss, and then he
4 would go back resuming his regular rate.

5 Q. And did that happen?

6 A. Yes.

7 Q. So in terms of the money that he made or lost, that's all
8 accounted for in the transactions you told us about,
9 correct? New Mexico is not on top of that?

10 A. What do you mean New Mexico is not on top?

11 Q. I'm just trying to figure out the total amount you think
12 Mr. Logan made as a result of his work for you?

13 A. Upwards over a million dollars excluding the theft of the
14 \$800,000.

15 Q. Okay. You've told us everything that you know about how
16 you got paid back, I'm not going to belabor that point,
17 you've told us everything that you have to say about how
18 you may have gotten paid back either with a hundred
19 thousand dollars being presented or working?

20 A. He gave me a hundred thousand dollars and then he made
21 like several trips at a reduced rate.

22 Q. Okay. I just want to make sure you've told us everything
23 that you know about how either he worked at a lesser rate
24 or money was paid. You've told us how he attempted to
25 get-- it's my term-- getting even, but getting right with

1 you, whatever?

2 A. Yes, that's fine.

3 Q. Okay. Now, you testified very clearly that it's your

4 opinion, based upon the things that you said, that

5 Mr. Logan was involved in the shooting of you, correct?

6 A. Absolutely.

7 Q. And you are aware Mr. Logan has never been charged with

8 that crime, correct?

9 A. Absolutely.

10 Q. And you want to see him punished for that crime, don't

11 you?

12 A. Eventually I want someone to be held responsible for it.

13 Q. You want to see him held responsible and punished today,

14 right now, don't you?

15 A. Not for the shooting incident, no.

16 Q. You're not concerned about him being perhaps punished in a

17 more severe manner because of the shooting today?

18 A. No.

19 Q. You are here today just to talk about the drug trafficking

20 that occurred, is that what you're saying?

21 A. The drug trafficking, and that was part of it as well.

22 Q. Okay. Now, part of your agreement with the government is

23 that the government may at its discretion file another

24 motion seeking a sentence reduction for you, correct?

25 A. Correct.

1 Q. And you're hoping they will do that?

2 A. Yes.

3 Q. You have talked specifically with your attorney about that
4 possibility, correct?

5 A. No, I don't think we have. I don't think we have had
6 specific conversation, I think there was an email sent to
7 him from Brian Lennon saying possibly.

8 Q. Possibly there would be what is called a Rule 35 motion on
9 your behalf, correct?

10 A. Correct.

11 Q. Depending on whether or not you appear, told the truth,
12 what you did to help the government further, correct?

13 A. I guess an ongoing investigation, yes.

14 Q. Okay. Now, you also have talked about that with
15 investigators in this case, correct? The possibility of
16 another sentence reduction?

17 A. No, I don't think I've talked to investigators.

18 Q. You've been interviewed many times recently about this,
19 haven't you?

20 A. No.

21 Q. You weren't interviewed today?

22 A. You said many times.

23 Q. I'm asking, were you interviewed today?

24 A. I wasn't-- Yes, I wasn't-- I don't call it an
25 interview.

1 Q. You weren't asked questions and no one went through your
2 testimony today?

3 A. Yes, we were discussing my testimony today.

4 Q. Okay. And you were asked questions about what happened
5 and prepared your testimony, correct?

6 A. Yes.

7 Q. I'm not saying--

8 A. We discussed my testimony today, we never discussed any
9 type of Rule 35.

10 Q. Okay. When is the last time before today that you talked
11 with anybody from law enforcement?

12 A. Regarding-- I believe an investigator from Lansing, Dan--
13 Daniel Zolnai, I believe he came and spoke with me back in
14 February.

15 Q. Okay.

16 A. Prior to that the last time I spoke with law enforcement
17 would be August.

18 Q. Okay.

19 A. Of 2010.

20 Q. Okay.

21 A. Wait, wait. The marshals came and spoke with me, I
22 believe, in January of this year.

23 Q. Okay. Now, you talked today about what the quantity that
24 you were held accountable for, correct?

25 A. Correct.

1 Q. And that quantity was calculated based upon your
2 estimates, correct?

3 A. I don't know how, you know, how the government arrived at
4 that number.

5 Q. Well--

6 A. I don't know if they used my testimony or if they used the
7 testimony of others to arrive at that amount is what I'm
8 saying.

9 Q. If they would have used your testimony, it would have been
10 your estimate as to the weight and the frequency that
11 would have led to that ultimate number, correct?

12 A. Possibly, yes.

13 Q. Okay. And same thing with money, correct, your estimates?

14 A. My estimates about what money?

15 Q. About how much money was involved, how much money was
16 transported?

17 A. Yes, I guess that would be based on my estimates.

18 Q. You never kept records about these things?

19 A. No, never.

20 Q. I mean nobody could go to a ledger sheet to figure out
21 quantities of drugs, correct?

22 A. I certainly cannot.

23 Q. You couldn't go to a ledger sheet to find a listing of the
24 amount of money, correct?

25 A. I cannot, no.

1 Q. It's all based upon estimates, based upon your memory and
2 your recollection, correct?

3 A. Correct.

4 Q. All made after your agreement with the government,
5 correct?

6 A. Correct.

7 MR. GRAHAM: Thank you, your Honor.

8 THE COURT: Mr. Bruha.

9 REDIRECT EXAMINATION

10 BY MR. BRUHA:

11 Q. Mr. Logan, did you forfeit any money or property to the
12 government as part of your conviction?

13 A. Are you asking me? You said Logan.

14 Q. I'm sorry, Mr. Jackson.

15 A. Question again, sir.

16 Q. Did you forfeit any money or property to the government as
17 part of your conviction or plea agreement?

18 A. Yes.

19 Q. What did you forfeit?

20 A. I believe it's upwards of \$700,000 in cash and-- cash,
21 stocks, things of that nature.

22 Q. Were you ever asked to take a polygraph examination about
23 any of your drug information?

24 A. No.

25 Q. Was it only about your assets?

1 A. Yes.

2 Q. And did you indicate that you were interviewed in January
3 of this year by someone from the U.S. Marshal Service?

4 A. Yes.

5 Q. What was that interview about?

6 A. They came to speak with me and asked me had I heard
7 anything in terms of threats being made by Logan.

8 Q. Did you know anything about any threats at that time?

9 A. I told them that I wasn't aware of any threats that he had
10 made.

11 Q. At the time they interviewed, did you tell them about a
12 cellmate in Kalamazoo County who told you anything about
13 threats by Mr. Logan?

14 A. I think, yes. I told them there was a cellmate, yes,
15 there was a cellmate that he was once in Logan's cell, and
16 then he came in my cell and he said that Logan had told
17 him that he was-- I believe his bond was revoked because
18 he-- reportedly he had made threats regarding the U.S.
19 Attorney maybe.

20 Q. Would that be Mr. Lennon?

21 A. Yes.

22 MR. BRUHA: Nothing further, your Honor.

23 RE CROSS EXAMINATION

24 BY MR. GRAHAM:

25 Q. That same person, that same cellmate told you that

1 Mr. Logan said his bond had been revoked for making
2 threats, but that he never intended to harm anyone,
3 correct?

4 A. He told the guy that he was-- He was just basically he
5 was drunk and just kidding around.

6 Q. Talking stupid?

7 A. He didn't use that terminology.

8 Q. Is that a fair characterization?

9 A. You can make it, I'm not making that characterization.

10 Q. He told the cellmate, "I was drunk, I didn't mean it,"
11 correct?

12 A. I don't know-- he used the terminology, he was kidding or
13 he was drunk, something to that effect, yes.

14 MR. GRAHAM: Thank you.

15 MR. BRUHA: Nothing further.

16 THE COURT: Mr. Jackson, you may step down, sir, with
17 the Court's thanks.

18 THE WITNESS: Thanks.

19 (At 2:37 p.m., witness excused.)

20 THE COURT: Mr. Bruha.

21 MR. BRUHA: Thank you, your Honor.

22 Government calls Joseph Guzman

23 JOSEPH GUZMAN - GOVERNMENT WITNESS - SWORN

24 COURT CLERK: Please be seated.

25 State your full name and spell your last name for the

1 record, please.

2 THE WITNESS: Joseph Guzman. Last name is spelled
3 G-u-z-m-a-n.

4 DIRECT EXAMINATION

5 BY MR. BRUHA:

6 Q. Good afternoon, Mr. Guzman.

7 A. Good afternoon.

8 Q. What is your occupation?

9 A. I'm a deputy with the U.S. Marshal Service.

10 Q. How long have you been a deputy with the Marshal Service?

11 A. Eight years.

12 Q. And where are you assigned?

13 A. I'm assigned to the Grand Rapids office.

14 Q. And do the duties of the Marshal Service include

15 investigating threats made against federal witnesses and

16 court personnel?

17 A. They do.

18 Q. And did you become aware of any alleged threats by the

19 defendant in this case, Emond Logan, against either a

20 federal witness or a federal prosecutor?

21 A. I did.

22 Q. When and how did that come to your attention?

23 A. It first came to my attention back in July of 2010. Our

24 office was notified by the U.S. Attorney's Office that

25 some information had surfaced from California from a

1 confidential informant in California about some threats
2 that Mr. Logan had made towards Brian Lennon.

3 Q. And did that information include one or more tape
4 recordings that were made with Mr. Logan?

5 A. It did.

6 Q. And did that serve as the basis for a threat
7 investigation?

8 A. Yes, it did.

9 MR. BRUHA: Your Honor, at this time, I would move
10 the admission of Exhibits 1 and 2 into evidence, which
11 would be Attachments 1 and 2 to the government's
12 sentencing memorandum in this case that have been filed
13 with the Court as Document 548-1 and 548-2, which is a
14 transcript of tape recorded conversations with Mr. Logan.

15 MR. GRAHAM: Your Honor, I don't object, but would
16 note for the record both of the transcripts have been
17 redacted. I'm not sure what is missing, but since this is
18 a sentencing hearing and the balance of what is included
19 is something that I think is an accurate transcription.

20 THE COURT: All right. So noted.

21 Exhibits 1 and 2 are received.

22 MR. BRUHA: Thank you, your Honor.

23 Counsel is correct, that names have-- certain names
24 have been redacted from the transcript.

25 BY MR. BRUHA:

1 Q. Mr. Guzman, how seriously does the Marshal Service take
2 threats against federal witnesses and court personnel or
3 prosecutors?

4 A. It takes it extremely seriously. We have, you know, a
5 division in our service that is basically exists solely to
6 investigate threats. We have-- most of our offices or
7 districts have a full-time investigator that's all they do
8 is handle threat investigations. Unfortunately, our
9 office doesn't have one of those yet. But once we receive
10 information on a threat, it becomes a priority for our
11 office.

12 Q. So did you participate in that investigation?

13 A. I did.

14 Q. And did you interview any witnesses in connection with
15 that threat investigation?

16 A. I did.

17 Q. Did you interview any witnesses who said that they had
18 also heard Mr. Logan make threats against the federal
19 witness or the prosecutor in this case?

20 A. Yes, I did.

21 Q. Who did you interview about that?

22 A. Well, the first person would have been Mr. Turonald
23 Frasier.

24 Q. And who is Mr. Frasier?

25 A. He is a federal inmate who is currently in custody.

1 Q. And how did he come to your attention in connection with
2 this threat investigation?

3 A. Well, he actually had sent a letter to Brian Lennon.

4 Within that letter, he stated that Mr. Logan had made some
5 comments to him.

6 Q. And when was that?

7 A. Well, the letter actually was written in January of 2011,
8 but he was making reference to a conversation that
9 occurred back in August of 2010.

10 Q. What were the circumstances of the alleged conversation
11 with Mr. Logan?

12 A. Mr. Frasier was being transferred from our main transfer
13 station for prisoners in Oklahoma City on a plane. He was
14 on a plane with Mr. Logan, seated next to him, and they
15 had gotten into a conversation about why Mr. Logan was in
16 custody. And during that conversation, Mr. Logan--
17 according to Mr. Frasier-- Mr. Logan said he was in
18 custody because for making threats towards Brian Lennon,
19 and he kind of got into some details, you know, about how
20 he still wanted him dead and how he knew some personal
21 information about Brian Lennon.

22 Q. Now, was this after Mr. Logan's bond had been revoked in
23 California for making similar threats against Mr. Lennon?

24 A. It was.

25 Q. And so this would have been while Mr. Logan was being

1 transported back to this district after his bond was
2 revoked?

3 A. Yes, it was. This would have been in August of 2010, he
4 was actually arrested in July.

5 Q. After he had had a bond revocation in California that
6 discussed these very similar threats?

7 A. That is correct.

8 Q. And have you seen and reviewed the letter that Mr. Frasier
9 wrote?

10 A. Yes.

11 MR. BRUHA: Your Honor, at this time, I would move
12 Government's Exhibit 3 into evidence, which was filed as
13 Attachment No. 3 to the government's sentencing memorandum
14 and filed with the Court as document 548-3, which is a
15 copy of the handwritten letter from Mr. Frasier.

16 THE COURT: Any objection?

17 MR. GRAHAM: No.

18 THE COURT: Received.

19 BY MR. BRUHA:

20 Q. And did Mr. Frasier state in his letter that Mr. Logan's--
21 in Mr. Frasier's words, had placed a hit out on
22 Mr. Lennon?

23 A. Yes.

24 Q. And did Mr. Frasier include in his letter some personal
25 information that Mr. Logan had mentioned about Mr. Lennon?

1 A. He did.

2 Q. Did that include information that there is a little bar
3 that Mr. Lennon and a lot of people he worked with went to
4 near downtown Grand Rapids?

5 A. That's correct, that was in his letter.

6 Q. And did you subsequently interview Mr. Frasier about his
7 letter?

8 A. I did.

9 Q. And did Mr. Frasier confirm the statements he had made in
10 his letter about these threats?

11 A. He did.

12 Q. What else did Mr. Frasier tell you during that interview?

13 A. Well, he, like I said, he confirmed a lot of the
14 statements that he had said in the letter. He wasn't--
15 He wasn't able to tell us how Mr. Logan knew that
16 information, but he basically reiterated what he said in
17 the letter.

18 Q. Did he also say in addition to the information about the
19 bar that Mr. Lennon's son plays basketball in Comstock
20 Park?

21 A. He did say that.

22 Q. Did you have any reason to doubt Mr. Frasier's information
23 in his letter and that he subsequently confirmed in his
24 interview?

25 MR. GRAHAM: I object to that, that calls for

1 speculation.

2 THE COURT: I'll sustain that. Go ahead.

3 BY MR. BRUHA:

4 Q. Did you interview any other witnesses who claimed to have
5 heard similar threats mentioned by Mr. Logan?

6 A. Yes, I did.

7 Q. Who else did you interview about that?

8 A. It would have been two more inmates, Cornell Harp and
9 Anthony Johnson.

10 Q. And where were those inmates?

11 A. They were at Newaygo County.

12 Q. And when did you interview those inmates?

13 A. It would have been probably mid-January of 2011.

14 Q. And did both of those inmates claim that they had heard
15 Mr. Logan make threatening remarks against a federal
16 witness and/or the prosecutor, Mr. Lennon?

17 A. They did.

18 Q. And when did they say that they-- Mr. Logan said those
19 remarks?

20 A. Their contacts with Mr. Logan were actually before
21 Mr. Logan was released on bond, so it would have been
22 prior to March of 2010.

23 Q. So they had heard Mr. Logan make these statements, even
24 before he was released-- initially released on bond?

25 A. Correct.

1 Q. And what did those inmates tell you about what Mr. Logan
2 said to them?

3 A. A lot of it was similar to what Mr. Frasier had said, they
4 both mentioned the information about the bar downtown
5 Grand Rapids. Mr. Harp, although he didn't indicate that
6 Mr. Logan gave any specific information about what he was
7 going to do or how he was going to do it, but he did say
8 that Mr. Logan would make references how he had contacts
9 with Mexican cartel and he could get somebody from that
10 organization to do something, but he never got into
11 details.

12 Q. Did Mr. Harp-- Now, was Mr. Harp a cellmate of Mr. Logan
13 at the time he says Mr. Logan made these statements?

14 A. Yes.

15 Q. And that was at the Newaygo County Jail?

16 A. Correct.

17 Q. And did Mr. Harp say that Mr. Logan often made statements
18 about wanting to have both Brian Lennon killed and another
19 co-defendant on his case who was already in federal
20 prison?

21 A. He did.

22 Q. Did Mr. Harp say that Mr. Logan had mentioned any specific
23 efforts that he had or was making to carry out the
24 threats?

25 A. No, he did not.

1 Q. And was it Mr. Harp that said Mr. Logan mentioned how he
2 had ties to the "Chappo Guzman" Mexican drug cartel and
3 that's who he would get to carry out the threat?

4 A. That is correct.

5 Q. And who was the other inmate you said you talked to?

6 A. Anthony Johnson.

7 Q. And was Mr. Johnson also an inmate at the Newaygo County
8 Jail?

9 A. Yes, he was.

10 Q. And had he also been in the same cell as Mr. Logan?

11 A. Yes.

12 Q. Before Mr. Logan was first released on bond?

13 A. Correct. That would have been prior to March.

14 Q. Did Mr. Johnson say he had heard Mr. Logan talking about
15 wanting to kill the prosecutor in this case, Brian Lennon?

16 A. He did.

17 Q. And did Mr. Johnson say that Mr. Logan knew where Brian
18 Lennon went to a bar after work and also had a son in
19 private school?

20 A. Yes, he did.

21 Q. And just so I have the chronology correct, did both of
22 those inmates say these statements had been made to them
23 by Mr. Logan before Mr. Logan was initially released on
24 bond?

25 A. That is correct.

1 Q. And that was before the recorded conversations with the
2 confidential informant that occurred in California while
3 Mr. Logan was on bond?

4 A. That is correct.

5 Q. And it was after Mr. Logan was arrested for violation of
6 his bond, and had his bond revoked, that he allegedly made
7 these statements to Mr. Frasier on the transport plane?

8 A. That is correct.

9 Q. Was it Anthony Johnson or Andrew Johnson?

10 A. I would have to look at my report. Yeah, I can't recall.

11 Q. But whatever Mr. Johnson's first name was, he was an
12 inmate at the Newaygo County Jail and was a cellmate of
13 Mr. Logan at the time these statements were allegedly
14 made?

15 A. Correct.

16 MR. BRUHA: I'll pass the witness, your Honor.

17 THE COURT: Mr. Graham.

18 CROSS EXAMINATION

19 BY MR. GRAHAM:

20 Q. Just so I'm clear. When the statements were originally
21 made to the confidential informant, did you learn about it
22 and become involved?

23 A. After.

24 Q. Okay. Shortly thereafter?

25 A. Shortly thereafter.

1 Q. So that would have been in the summer of 2010; is that
2 correct?

3 A. Correct.

4 Q. So you got involved and you actually probably heard the
5 taped conversation?

6 A. I did.

7 Q. Okay. You're aware then that after--

8 I'm sorry, let me withdraw that.

9 So did you personally then begin an investigation
10 into the threats that were made as part of the
11 conversation?

12 A. Yes.

13 Q. Okay. And you worked with other people in the Marshal
14 Service regarding that?

15 A. Yes.

16 Q. Okay. So these threats had been made in the conversation
17 to the CI, and then you're aware, aren't you, that
18 Mr. Logan came here, his bond was revoked, he came here,
19 and a couple of months later entered a plea of guilty,
20 correct?

21 A. Correct.

22 Q. Okay. Mr. Logan has not been charged with any offense
23 based upon any threat, has he?

24 A. No.

25 Q. Now, regarding the-- these White Cloud inmates who have

1 described threats. Just I want to make sure that I'm
2 clear. Frasier is the letter-- person who wrote the
3 letter, correct?

4 A. Correct.

5 Q. Now, you went to talk with him shortly after Mr. Lennon
6 received the letter, correct?

7 A. Correct.

8 Q. And that was in January of 2011, correct?

9 A. Yes.

10 Q. And Frasier admitted that the statement that he wrote
11 about in January of 2011 occurred back in August of 2010,
12 correct?

13 A. Correct.

14 Q. And he didn't say anything to you or to the government or
15 to investigators in between, did he?

16 A. No.

17 Q. Now, Mr. Frasier was just about ready to be sentenced when
18 he wrote that letter, wasn't he?

19 A. Yes.

20 Q. You were, in fact, suspicious about the fact that this man
21 wrote a letter right before he was to be sentenced, and
22 you were also suspicious about the fact that Mr. Frasier
23 was being prosecuted by Mr. Lennon. Those things raised
24 red flags for you, didn't they?

25 A. Sure.

1 Q. So comments are allegedly made in August on an airplane
2 coming back, and the letter is written in January. You go
3 to investigate, and shortly after your conversation with
4 Mr. Frasier, you hear that there are a couple of other
5 people who want to talk about threats, correct?

6 A. Yes.

7 Q. Okay. And I guess my question is: Did you interview and
8 it was Harp and Johnson; is that correct?

9 A. Yes.

10 Q. H-a-r-p?

11 A. Yes.

12 Q. Okay. Harp and Johnson. How did you hear about what they
13 wanted to tell you?

14 A. I believe Brian had told me that they had previously came
15 forward with information prior to when Frasier wrote that
16 letter in January that they had previously came forward
17 with information about the statements Mr. Logan had made.

18 Q. There's no documentation to that effect, correct?

19 A. No.

20 Q. When threats are made that are credible threats, they are
21 well documented, aren't they? I mean that's your policy,
22 isn't it?

23 A. Right. Absolutely.

24 Q. It's a crucial policy, correct?

25 A. Yes.

1 Q. I'm not for a second trying to downplay the importance of
2 investigation and follow-up on these threats, but you had
3 no paperwork on that, you knew nothing about anything said
4 by Harp or Johnson before Frasier?

5 A. No.

6 Q. You talked with Frasier, and then shortly thereafter, you
7 go up and interview Harp and Johnson, correct?

8 A. Correct.

9 Q. And all three men talk about a bar, a specific bar near
10 downtown Grand Rapids?

11 A. Right.

12 Q. And all three men talk about other kind of facts that make
13 it seem as if the stories are kind of in sync, correct?

14 A. They are similar.

15 Q. Well, including some details that are kind of unusual in
16 that people wouldn't normally know the specifics that
17 these men knew, correct? You wouldn't expect someone
18 normally to know the specifics like a bar that Mr. Lennon
19 hung out at or something like that?

20 A. Right.

21 Q. But all three of these men knew, correct?

22 A. Correct.

23 Q. And all three of these men had contact with each other in
24 Newaygo?

25 A. I would have to look at Mr. Frasier's records. I know

1 Mr. Harp and Mr. Johnson were at Newaygo around the same
2 time. I would have to look at the records on Mr. Frasier,
3 I don't recall.

4 Q. Well, I understand, but I think you're getting at the time
5 that statements were supposedly made. I'm talking about
6 when you interviewed them. When you interviewed them
7 after Frasier wrote his letter, he is in White Cloud with
8 Harp and Johnson?

9 A. Yes.

10 Q. And they have contact with each other at the time he
11 writes the letter?

12 A. Sure.

13 Q. Because I mean you were up there a couple days after the
14 letter was written?

15 A. Yes.

16 Q. And everybody was there?

17 A. Yes, you're right.

18 Q. And Harp and Johnson now are talking about threats that
19 are not made after Mr. Logan gets back. They are talking
20 about threats that had been made no earlier than March of
21 2010, maybe even, as I read your report, maybe even in
22 2009?

23 A. Correct.

24 MR. GRAHAM: Thank you, your Honor.

25 THE COURT: Mr. Bruha.

1 REDIRECT EXAMINATION

2 BY MR. BRUHA:

3 Q. Mr. Guzman, was Mr. Frasier transported back on the same
4 flight as Mr. Logan?

5 A. Yes.

6 THE COURT: Anything further, Mr. Graham?

7 MR. GRAHAM: I'm sorry, no.

8 THE COURT: You may step down, with the Court's
9 thanks.

10 (At 2:58 p.m., witness excused.)

11 THE COURT: Mr. Bruha.

12 MR. BRUHA: That concludes the government's evidence,
13 your Honor.

14 THE COURT: Thank you.

15 Mr. Graham, do you wish to put on any proofs?

16 MR. GRAHAM: I do. I wish to call the defendant to
17 testify.

18 THE COURT: Mr. Logan, please step forward, sir.

19 EMOND LOGAN - DEFENDANT - SWORN

20 COURT CLERK: Please be seated.

21 State your full name and spell your last name for the
22 record, please.

23 THE DEFENDANT: Emond Logan. Last name, L-o-g-a-n.

24

25

1 DIRECT EXAMINATION

2 BY MR. GRAHAM:

3 Q. Mr. Logan, I'm not going to ask you to go over a lot of
4 territory in your testimony.

5 I want to call your attention to a couple of matters
6 that were discussed by Mr. Jackson and ask you to tell me
7 what happened in regard to those things.

8 Now, but just by way of some preliminary matters,
9 obviously you've pled guilty in this case, correct?

10 A. Yes.

11 Q. Pled to the conspiracy?

12 A. Yes.

13 Q. And you've engaged in a couple of interviews with the
14 government since that time, correct?

15 A. Yes.

16 Q. Okay. Now, you were present today and heard Mr. Jackson
17 talk about the incident when he was shot, correct?

18 A. Yes.

19 Q. And you have admitted that at the time that he was shot,
20 the two of you were generally involved as part of this
21 conspiracy, correct?

22 A. Yes.

23 Q. I mean you've never denied that--

24 A. No.

25 Q. --since pleading guilty and beginning the interview

1 process.

2 Okay. I want you to tell me what happened that day
3 beginning with your-- where you were in the morning. I
4 understand there was some weather problems, but where you
5 were in the morning, where you went. Take me through step
6 by step what happened.

7 A. Okay. I had actually called him that night because it was
8 storming. I was coming from Indiana, and I was driving
9 up, it's like a five or six hour drive up from there. It
10 was snowing real bad, so I told him I wouldn't be there
11 until like in the morning. I told him I would be there in
12 the morning, and he said okay, he'll meet me in the
13 morning. So I woke up in the truck stop. I had drove
14 halfway there, and the snow had let up, and I finished
15 driving, and I drove there. And then I called him and let
16 him know I was there.

17 Q. Okay. Did you have some regular prearranged meeting
18 spots?

19 A. Yes.

20 Q. Okay. And did you use one or more of those?

21 A. Normally it was the one where we were at where this took
22 place at.

23 Q. So-- I'm sorry, go ahead and tell me then, did you make
24 arrangements to meet him there?

25 A. Yes, I made arrangements to meet him there. It was a

1 Freightliner dealer in, I think Belleville, Michigan.

2 Q. And so you spoke with him to make that arrangement,
3 correct?

4 A. Correct.

5 Q. What happened then?

6 A. About a half-hour later, he showed up, and he called me on
7 the phone. I'm laying in the bunk sleeping, and he calls
8 me on the phone and says, "Hey, I'm outside your truck."

9 Q. Okay.

10 A. So I wake up and put my shoes on, and I get out of the
11 truck and go talk to him, and that's when he tells me, "I
12 see some guys over there on the side of this truck. Check
13 it out." So I go there and I look and I see two guys with
14 masks and I shield myself. I go around the side of my
15 truck, and I hear a shot, and I see the car take off.

16 Q. Okay. Now, did you have anything to do with arranging for
17 those men to be there?

18 A. No.

19 Q. Did you have anything to do with any plan to harm or shoot
20 Mr. Jackson?

21 A. No.

22 Q. Did you try to call Mr. Jackson after?

23 A. I tried to call him.

24 Q. After he was shot?

25 A. Yes, plenty of times I tried to call him, but he was mad

1 at me and he didn't want to talk to me, so this is the
2 first time I seen him since 2007.

3 Q. Okay. Now, you have read and seen a number of things that
4 relate to statements you made that you've acknowledged
5 were inappropriate toward Mr. Lennon?

6 A. Correct.

7 Q. And toward Mr. Jackson?

8 A. Correct.

9 Q. Okay. Now, one of the set of statements that you've seen
10 have been statements made to a confidential informant in
11 California, correct?

12 A. Yes.

13 Q. Now, you acknowledge that the conversation that was
14 reflected in that transcript are the words that were
15 spoken between you and the CI, correct?

16 A. Yes.

17 Q. Tell the Court, please, whether you ever intended to harm
18 Mr. Lennon, Mr. Jackson, or anyone else involved in the
19 case?

20 A. No, I never had any intentions of harming anybody.

21 Q. I guess this is the time for you to explain to the Court
22 what was going through your head, why you made those
23 statements, and why the Court should believe that you did
24 not intend to harm anyone?

25 A. I was upset after Mr. Lennon indicted my wife and my

1 family, I thought that was out of line, and I was really
2 upset, so I said a lot of stupid stuff.

3 Q. Okay. Did you ever intend to follow through on it?

4 A. No.

5 Q. Did you, in fact, ever contact anyone to set in motion any
6 plan to harm anyone?

7 A. No.

8 Q. Now, you have heard about Mr. Frasier's letter that he
9 wrote in January regarding the August events. You did--
10 You were transported by the Marshal Service from
11 California back to this district in August of 2010,
12 correct?

13 A. Yes.

14 Q. And do you remember whether or not you had any contact
15 with Mr. Frasier?

16 A. I don't even know who Mr. Frasier is.

17 Q. Okay. Did you tell anyone on that plane anything about a
18 threat against Mr. Lennon, Mr. Jackson, or anyone else?

19 A. No.

20 Q. Now, you heard testimony that two people, Harp and Johnson
21 apparently said something to the effect that you had made
22 threats. Did you ever-- Did you ever make threats in
23 front of them?

24 A. I believe when I came back, after my wife had got
25 indicted, and I came back inside there, I was pissed off,

1 and I said, "I wish I could kill the prosecutor." I did
2 say that.

3 Q. Did you mean it?

4 A. No.

5 Q. I used the term with Mr. Jackson talking stupid, is that
6 what it was?

7 A. Yes, correct.

8 MR. GRAHAM: Thank you, your Honor.

9 THE COURT: Mr. Bruha.

10 MR. BRUHA: Your Honor, would the Court be willing to
11 grant us a short recess?

12 THE COURT: Sure.

13 MR. BRUHA: Thank you.

14 THE COURT: I'll stand down for five or ten minutes.
15 Let Ms. Redmond know when you're ready.

16 MR. BRUHA: All right. Thank you.

17 COURT CLERK: All rise, please.

18 Court is in recess.

19 (At 3:06 p.m., recess.)

20 (At 3:17 p.m., proceedings continued.)

21 THE COURT: Mr. Bruha.

22 MR. BRUHA: Thank you, your Honor.

23 CROSS EXAMINATION

24 BY MR. BRUHA:

25 Q. Mr. Jackson, you admit that you were present when-- I'm

1 sorry.

2 Mr. Logan, you admit you were present when

3 Mr. Jackson was shot, correct?

4 A. Correct.

5 Q. And you were there to pick up a large amount of money from

6 Mr. Jackson?

7 A. That is correct.

8 Q. And you were going to transport that money back to

9 California for Mr. Jackson?

10 A. Correct.

11 Q. Now, did you tell anyone else when and where you were

12 going to pick up that money from Mr. Jackson?

13 A. No, I did not.

14 Q. And what did you see happen before Mr. Jackson was shot?

15 A. Well, he asked me to go look and see where these guys

16 were, so I went and looked, and I seen two guys with

17 masks, so I sheltered myself around my truck, on the other

18 side of my truck.

19 Q. Did you say anything to Mr. Jackson?

20 A. I didn't have time to say anything.

21 Q. Where were the two guys in masks when you saw them?

22 A. When I saw them, they were standing directly in front of

23 me. When I looked out, I seen them just like right in

24 front of me like this. They were on the other side of the

25 truck, and I just looked like that, and I seen them, and I

1 went on the other side of my truck.

2 Q. Other side of what truck?

3 A. My rig that I was driving. I sheltered myself on the

4 other side of the rig.

5 Q. Where were the two guys?

6 A. Exiting the car.

7 Q. They were sitting in the car or exiting?

8 A. Exiting the car.

9 Q. Where was the car from where you were?

10 A. In front of the Fed Ex truck.

11 Q. Which was on the other side of Mr. Logan's vehicle,

12 correct?

13 A. Mr. Jackson's.

14 Q. Mr. Jackson's vehicle, I'm sorry.

15 So they were-- they were two vehicles over from your?

16 A. Actually from my truck, he was in between the two trucks.

17 He parked in between, backed in on the side of the truck.

18 Q. So to get back and conceal yourself behind your truck, you

19 had to go past the Fed Ex truck and Mr. Jackson's vehicle?

20 A. No. Mr. Jackson was backed in between. My truck is here,

21 Mr. Jackson's car is here, the Fed Ex truck is on this

22 side. Their vehicle is on this side of that truck. So

23 when I went out and I looked, I seen them on the other

24 side of the Fed Ex truck, I just went around my side of my

25 truck and sheltered myself on the other side of the truck,

- 1 and I heard a shot, and I seen him speed off.
- 2 Q. And you said nothing to Mr. Jackson?
- 3 A. I didn't have time to say anything to Mr. Jackson.
- 4 Q. But yet these two individuals-- one or both of these
- 5 individuals had time to go from the Charger past the Fed
- 6 Ex truck to Mr. Jackson's vehicle and shoot him?
- 7 A. I imagine so.
- 8 Q. And do you have any idea why those individuals were there?
- 9 A. No. And I don't understand why he stayed there if he knew
- 10 they were there in the first place. He should have left.
- 11 Why would you sit there and just wait for somebody to
- 12 shoot you if you see them coming in the back of your
- 13 rearview mirror.
- 14 Q. And you never went to the hospital to visit Mr. Jackson?
- 15 A. I called him on the phone, he said that I had-- First of
- 16 all, he said I did it. He didn't say nobody else did it.
- 17 He said I shot him. By his own admission, that's what he
- 18 told his wife, that's what he told Mrs. Blake, that I shot
- 19 him, so why would I want to go talk to somebody that
- 20 thinks that I shot him.
- 21 Q. To maybe say you didn't?
- 22 A. What?
- 23 Q. To maybe say you didn't shoot him?
- 24 A. And what would that do to somebody that thinks that you
- 25 shot them?

1 Q. So did Mr. Jackson tell that to you himself or is this
2 what you heard from family members?

3 A. My wife. When I called-- my wife called me on the phone
4 screaming and hollering, and said that I shot him, and I
5 said no, that's not what happened, I'll explain to you
6 what happened when I get home.

7 Q. And you never talked to Mr. Jackson since then?

8 A. I tried calling him once at his house. He wouldn't take
9 my phone calls. I seen him one time on the freeway, he
10 sped off from me when I tried to talk to him.

11 Q. You had previously stolen money from Mr. Jackson, hadn't
12 you?

13 A. Yes.

14 Q. And that was the time when you told him that you had been
15 stopped by the police in New Mexico and they had taken all
16 of the money?

17 A. That is correct.

18 Q. And that wasn't true, was it?

19 A. No.

20 Q. You had taken Mr. Jackson's money?

21 A. Yes, but it wasn't \$800,000 either like he alleges it was.

22 Q. How much was it?

23 A. Probably around about \$400,000-some.

24 Q. And you took, you stole his money because you didn't think
25 you were getting paid enough; is that correct?

1 A. That's one reason, yes.

2 Q. And when Mr.-- When other people tried to rip Mr. Jackson
3 off at the Freightliner place, you said you would have
4 nothing to do with it?

5 A. That is correct. And I told my lawyers and I even told
6 the prosecutor I would be willing-- even the marshals, I
7 would be willing to take a lie detector test for that,
8 nobody has given me one.

9 Q. So why were these two men in masks there?

10 A. I have no idea.

11 Q. Now, you acknowledge-- or first of all, you acknowledge
12 that after you were first arrested on the Indictment and
13 were being held at the Newaygo County Jail, you did tell
14 inmates there that you wished you could kill the
15 prosecutor?

16 A. Not at first. This was after my wife was indicted. I
17 never said anything like that until my wife was indicted,
18 and I came back from court that day and I was upset.

19 Q. And when was she indicted?

20 A. Just before I got out, I guess.

21 Q. And--

22 A. Before I got out on bond.

23 Q. And you had known for some time she was likely going to be
24 indicted, didn't you?

25 A. Yes, but I didn't think that would happen.

1 Q. And but it did happen?

2 A. Yes, it did.

3 Q. And so you are saying you felt angry right then about
4 that?

5 A. Yes, I did.

6 Q. And made statements that you would like to kill the
7 prosecutor?

8 A. I didn't talk directly to anybody. I just came in and I
9 said, "I wished I could kill the prosecutor."

10 Q. Then after you were released on bond and were back in
11 California, you made similar statements to the
12 confidential informant out there, didn't you?

13 A. That is correct.

14 Q. And you do not deny what you said on those tape
15 recordings, do you?

16 A. No.

17 Q. And in fact, you were talking to the confidential
18 informant at that time about a marijuana grow operation,
19 weren't you?

20 A. His marijuana grow operation, I had nothing to do with
21 that.

22 Q. Well, do you understand that the informant has implicated
23 you in that?

24 A. Yes.

25 Q. And said that you were involved at least financially?

1 A. That's not true.

2 Q. But you did discuss, while you were on bond, discuss a
3 marijuana growing operation with the informant?

4 A. He was telling me that he was having problems with it and
5 that a transformer blew up, and all of this stuff that he
6 was asking my advice on different things.

7 Q. And weren't you both talking about ways you could get some
8 money?

9 A. He was asking me, and I was actually just blowing him off,
10 just telling him all kind-- anything that he wanted to
11 hear so he would leave me alone really.

12 Q. So he would leave you alone?

13 A. Yes. He was calling me and wanting to meet with me on
14 different things and asking me about-- actually he wanted
15 to know where Alvin's money was. I had no clue where the
16 money was, so I just told him anything that, you know,
17 that he wanted to hear basically.

18 Q. So that included talking about setting up some Mexican
19 drug dealer to rip off?

20 A. That is correct.

21 Q. And then when the confidential informant mentioned Papa,
22 which is Mr. Jackson, correct?

23 A. That is correct.

24 Q. You told the confidential informant, "I'm working on
25 trying to get somebody to pop his mother fucking ass while

1 he is inside of there."

2 A. That is correct.

3 Q. Meaning in prison?

4 A. Uh-huh.

5 Q. And this is what you were telling somebody that you were

6 just trying to blow off?

7 A. Yes.

8 Q. And then you said either that or the prosecutor, "You

9 know, if the prosecutor dies, it's all over with"?

10 A. That is correct, I said that.

11 Q. "It go away."

12 "If I make that prosecutor disappear, the case just

13 disappear"?

14 A. Yes, I said that.

15 Q. Were you still mad at Mr. Lennon at that time?

16 A. Well, my wife's father had just passed away and her

17 stepfather, and she was going through a lot of stress, so

18 this infuriated me to say these things. Like I said, I

19 never had no intent to harm anybody, just me mouthing

20 off.

21 Q. Speaking of your wife, Mr. Jackson, (sic. Logan) how many

22 times have you been married?

23 A. This is my third time.

24 Q. Your third time.

25 What happened to your second wife?

1 A. She was murdered.

2 Q. How?

3 A. She was shot at her job.

4 Q. What was her job?

5 A. She worked at a place called SSG Court Referral.

6 Q. And what did that do?

7 A. She did-- She worked with, I guess, people that had got
8 in trouble with law enforcement, and she assigned them to
9 community service.

10 Q. I'm sorry?

11 A. Community service, like to work off their fines or
12 whatever they had to do with the Court.

13 Q. These were people that were going through the criminal
14 justice system?

15 A. Correct.

16 Q. And were they gang members? Did this have anything to do
17 with gangs?

18 A. Yes.

19 Q. Was she a gang counselor?

20 A. I wouldn't say that, no.

21 Q. And was she shot on her job?

22 A. Correct.

23 Q. At her desk?

24 A. I don't know the full incidents of it, but I know she was
25 shot at her job.

1 Q. What were you told about the circumstances?

2 A. Nobody ever discussed that with me.

3 Q. Were you told that two people with masks came in and shot
4 her at her desk?

5 A. No.

6 Q. You were never told anything about two people with masks?

7 A. No.

8 Q. And did you get an insurance settlement resulting from her
9 death?

10 A. Correct.

11 Q. And how much was that?

12 A. \$350,000.

13 Q. How much?

14 A. \$350,000.

15 Q. And can you document that?

16 A. Yes.

17 Q. Have you documented that to anyone?

18 A. Yes, it's been documented.

19 Q. Going back to what you told the confidential informant on
20 June the 29th of last year, you told the confidential
21 informant, "We will put our heads together and figure out
22 something to make money." Correct?

23 A. Correct.

24 Q. And then you discussed possibly renting one or more
25 Corvettes and pulling the motor and transmission out and

1 selling it?

2 A. I told him that. That's what he could do. I never said I
3 was going to do that.

4 Q. And you did tell him you know some people that would
5 probably buy it?

6 A. Yes, I told him that.

7 Q. A dude with a body shop?

8 A. Yes.

9 Q. And you're having conversations about criminal activity
10 while you were on bond, correct?

11 A. If you say-- If you say that's criminal-- whatever you
12 saying, yes, I guess so.

13 Q. Well, what would you call it?

14 A. Like I said, I was just talking out of my head and trying
15 to blow somebody off that keeps calling me and wanting to
16 have meetings.

17 Q. And you just talking about some things and you said that's
18 just one idea I had to make a little money, you know.

19 A. Yes.

20 Q. And did you tell the confidential informant that something
21 about that, "They had called Henry and that he was getting
22 all nervous and shit"?

23 A. Yes.

24 Q. And you were referring to law enforcement called Henry?

25 A. Correct.

1 Q. And who is Henry?

2 A. He was another driver that drove with me.

3 Q. What was his last name?

4 A. Massias.

5 Q. And you knew that Henry had been contacted by law
6 enforcement?

7 A. I didn't know that he was contacted by law enforcement.

8 Q. Well, didn't you tell the CI he called you. "Called me,
9 man, the prosecutor wanted to talk to me. What he want to
10 talk to me about?" And you told Henry, "I don't know, and
11 stop talking to them people"?

12 A. Yes, I said that.

13 Q. And you told the confidential informant, "I just had some
14 strong words for him," referring to Henry just telling
15 him, "Keep your mother fucking mouth shut"?

16 A. Whatever was said was said on a tape, so I don't know
17 exactly if I said that or not, but I was telling him that
18 for his own sake, not for mine.

19 Q. Telling--

20 A. I never tell him to not say anything because you are going
21 to implicate me. I was just telling him to stop talking
22 to them before he has his self in trouble.

23 Q. Well, you knew he could implicate you, didn't you?

24 A. I didn't-- I wasn't worried about that, I was already
25 indicted. What could he-- What else could he have said?

1 Q. Did you tell the CI that you told Henry, "Tell him you
2 don't even want to talk to him. You ain't got to talk to
3 nobody, you got rights."

4 A. Yes, I recall saying that.

5 Q. And did you tell the confidential informant, "I don't know
6 exactly what he's" referring to Henry's, "fucking saying,
7 but he better hope I don't go to jail. If I get indicted,
8 I'm a put somebody on all the mother fuckers"?

9 A. I might have said that.

10 Q. And the CI pointed out, "You are already indicted, ain't
11 you?"

12 A. Yes.

13 Q. And you said, "I'm just saying the day that I go to jail."

14 And the CI says, "You mean if you lose,".

15 "Yes."

16 You said, "If I beat this shit, then I'm straight. I
17 don't beat this shit, it's going to be a whole that's
18 going to get real ugly. I ain't going to even give a
19 fuck, especially if I get out. And these mo fuckers ain't
20 dead, I'm just going to go on a killing spree and go back
21 to the pen. I don't give a shit."

22 A. Yes, I said that.

23 Q. Were you drunk when you said that?

24 A. I think I was drinking. I don't know if I was drunk, but
25 I probably had about three or four beers maybe.

1 Q. And then the confidential informant brings up that he
2 would like to get Papa's money. And you say, tell the
3 confidential informant, "Who wouldn't? I already knew he
4 had money in that house. I should have fucking been sent
5 somebody over there to get his ass. I'm talking about
6 before he went to jail. Should have had somebody kill his
7 ass and fucking go take that money from him."

8 A. Yes.

9 Q. And that's what you tried to do before at the Freightliner
10 place, wasn't it?

11 A. No.

12 Q. And you were advising the confidential informant to get
13 everything out of there, referring to the marijuana grow
14 site. "There ain't shit they can fucking even do, and
15 when you start back, just do one room"?

16 A. Yes, I've said that.

17 Q. And then you told the confidential informant about
18 somebody who had robbed some marijuana dispensaries in the
19 LA area?

20 A. That I heard on the news.

21 Q. And did you tell the confidential informant, "That that's
22 what you-- we need to work on. Just go check out one of
23 those and hit the mother fucker after he--"

24 A. I never said we. I was always referring to him. If
25 that's what he wanted to do. He was looking to make

1 money, and I was just suggesting stuff that he could do.

2 Q. Do you want me to show you the transcript?

3 A. There was a lot of things that's left out in that

4 transcript, too.

5 Q. Do you deny saying that's what you and then we need to

6 work on?

7 A. I don't recall ever saying-- putting myself in that.

8 Q. And did you tell the confidential informant, "I'll work on

9 something. I know some people"?

10 A. Yes.

11 Q. "We will figure something out"?

12 A. Yes.

13 Q. Now, did you have another recorded conversation with the

14 confidential informant in July of last year?

15 A. I believe so.

16 Q. Were you drinking then too?

17 A. He called me all the time when I was at home. I was at

18 home on bond, nothing to do, so I was in the backyard

19 drinking pretty much.

20 Q. And did you talk with the confidential informant about

21 getting 20 to 50 pounds of marijuana?

22 A. Yes.

23 Q. And that's when you were on bond?

24 A. Correct.

25 Q. And did you talk about hearing where Papa's money was?

1 A. Yes, I made up something and told him, yes.

2 Q. And again, you and the confidential informant are talking
3 about they have Papa as a cooperating witness?

4 A. Correct.

5 Q. And you told the confidential informant, "I'm working on
6 somebody trying to pop his punk ass. If I can get that,"
7 N word "out, good." And the confidential informant asked
8 you if you know some people in Texas, and you say, "Trying
9 to get somebody to do it"?

10 A. Correct.

11 Q. And you knew that Mr. Jackson was in Texas, incarcerated
12 in Texas, didn't you?

13 A. Through his wife, yes.

14 Q. And did you say, "I been talking to Shug trying to get
15 that," N word "to do something"?

16 A. I was just making stuff up, like I said.

17 Q. Well, who is Shug?

18 A. I was talking about Shug Knight, but that's not even-- I
19 don't even know him like that.

20 Q. But you told the CI that you had been talking to someone
21 about trying to get Mr. Jackson killed?

22 A. Correct.

23 Q. And you said that he knows some people that could get to
24 do something?

25 A. Like I said, I was making up a lot of stuff just off the

1 top of my head.

2 Q. You said, "I wish I knew somebody to put that," N word,
3 "to sleep"?

4 A. I mean I've told you that that's what I said, so. I don't
5 know what else to say. I'm not denying none of the stuff
6 that's on the tape, I mean I said that.

7 Q. And this was quite awhile after your wife was indicted,
8 wasn't it?

9 A. Well, this was after I'm home, my wife is indicted, her
10 father died, and her stepfather dying. She was going
11 through a lot of stress.

12 Q. And then after your-- You talked to-- you discussed with
13 the CI all the money you had, didn't you?

14 A. I didn't have any money. What money did I have?

15 Q. The money you had spent, what you had spent money on?

16 A. Maybe so, if it's on there, yes.

17 Q. Thousands of dollars a week just on groceries?

18 A. Yes. Just boasting and overplaying what I made. I didn't
19 spend no thousand dollars on groceries.

20 Q. Well, did you tell him you paid off a Porsche Cayenne?

21 A. Yes, but I did that with money that I had before. I
22 bought that car in 2003.

23 Q. You had a Maserati?

24 A. Yes.

25 Q. You leased two Mercedes?

1 A. Yes.

2 Q. And the Escalade was paid for?

3 A. The Escalade, I bought that in 2001.

4 Q. And you told the CI, "I fucked up a lot of money"?

5 A. Correct.

6 Q. And he pointed out you were just driving a truck?

7 A. Yes.

8 Q. And you said, "I was hustling"?

9 A. Yes.

10 Q. "I always had to hustle"?

11 A. Not meaning any drugs.

12 Q. And then after your bond was revoked, your bond was

13 revoked for making these threatening statements, wasn't

14 it?

15 A. Correct.

16 Q. And even after your bond was revoked and you were being

17 transported back to Michigan again, you were still talking

18 about wanting to harm the prosecutor, weren't you?

19 A. No, I wasn't.

20 Q. But you had told other inmates before about wanting to

21 harm the prosecutor?

22 A. One time before when, like I said, when I came back when

23 they indicted my wife, I was upset about that.

24 Q. And you had told the confidential informant about wanting

25 to harm the prosecutor and Mr. Jackson?

1 A. Yes.

2 Q. And you must have been really upset when your bond got
3 revoked?

4 A. No, actually I was more relieved really.

5 Q. Still didn't want to take out the prosecutor?

6 A. No.

7 Q. Or Mr. Jackson?

8 A. No.

9 Q. What does hustling mean to you, Mr. Logan?

10 A. I worked in the rubbish business, so I was getting like
11 cardboard, cans, and stuff like that, that's what I was
12 doing. I worked for a rubbish company for 20 years, and
13 there was all kind of perks that you can get out of the
14 rubbish.

15 Q. Well, didn't you tell the CI in the second conversation,
16 "If you making \$5,000 a month on the rubbish industry,
17 another \$10,000 a month hustling"?

18 A. That's not true.

19 Q. Do you deny saying that?

20 A. No, I might have said that, but that's not true.

21 MR. BRUHA: Nothing further, your Honor.

22 THE COURT: Mr. Graham.

23 REDIRECT EXAMINATION

24 BY MR. GRAHAM:

25 Q. Everything that was said is on the transcript, you have

1 not denied that, correct?

2 A. No.

3 Q. Okay. My question to you is simple: Did you ever do

4 anything to set in motion any plan or action to harm a

5 witness or Mr. Lennon?

6 A. No.

7 Q. Thank you.

8 MR. GRAHAM: Thank you, your Honor.

9 THE COURT: Mr. Bruha.

10 RECROSS EXAMINATION

11 BY MR. BRUHA:

12 Q. But you said you did?

13 A. What?

14 Q. But you said you did?

15 A. I don't understand the question.

16 Q. But you said-- You told the CI you had taken steps to try

17 to get Mr. Jackson or the prosecutor killed?

18 A. Yes.

19 THE COURT: Mr. Graham.

20 MR. GRAHAM: Nothing.

21 THE COURT: You may step down, sir, with the Court's

22 thanks.

23 (At 3:40, defendant excused from the witness stand.)

24 THE COURT: Mr. Graham, any further proofs?

25 MR. GRAHAM: No, your Honor.

1 THE COURT: Let's deal with the objections to the
2 guideline scoring. First one is on quantity, let's talk
3 about that.

4 Whichever lawyer wishes to go first.

5 MR. GRAHAM: In regard to quantity, anything over 150
6 kilos, I think, puts us at Level 38. What we have is
7 evidence of estimates that were made. Mr. Logan simply
8 doesn't agree with those estimates. The truth is whatever
9 it is, but there is no hard evidence here, and we made
10 that objection pure and simply because, as Mr. Logan
11 thought back about the quantity, he didn't think it lined
12 up with what Mr. Jackson said. What we know about
13 Mr. Jackson is he made estimates that he described for you
14 here, and we know he told the grand jury something
15 different, or at least partially different or
16 inconsistent. And so Mr. Logan simply did not remember
17 the same quantity or amount of money. It's not a scoring
18 objection, it's simply an, I think an objection against
19 the general 3553(a) factors. So we do admit more than 150
20 kilos, but the evidence is, we don't accept Mr. Jackson's
21 estimates as being accurate.

22 THE COURT: All right. Thank you.

23 Mr. Bruha.

24 MR. BRUHA: Your Honor, the government acknowledges
25 it has the burden of proof by a preponderance of evidence

1 on drug quantity. Mr. Jackson's testimony by itself
2 supports a finding of way above, way more than a thousand
3 kilograms of cocaine, based upon the number of loads that
4 were transported by Mr. Logan. The amount of those loads,
5 I think I added it up. If you just assume one load a
6 month during the months that Mr. Logan was transporting
7 drugs for Mr. Jackson, that exceeds a thousand kilograms
8 of cocaine. Mr. Jackson was held accountable for a very
9 conservative amount of over a thousand kilograms of
10 cocaine. He has testified that all of that cocaine that
11 he was held accountable for was transported by Mr. Logan.
12 There is other information in the presentence report to
13 corroborate the over a thousand kilogram figure. And I
14 would note that when Mr. Logan had the opportunity to
15 present evidence to the contrary on drug quantity, he did
16 not. And I submit that the evidence establishes
17 certainly-- certainly well-- certainly by a preponderance
18 of evidence that Mr. Logan distributed and transported in
19 excess of a thousand kilograms of cocaine.

20 THE COURT: Well, the testimony is fairly clear from
21 Mr. Jackson who, in the Court's judgment, testified quite
22 forthrightly on the issue of-- on the issue of quantity.
23 In the Court's judgment, the government has established by
24 at least a preponderance of the evidence that there was
25 more than 1,000 kilograms of cocaine involved in this

1 conspiracy for which the defendant should be held
2 accountable.

3 Obviously anything over 150 kilograms causes the base
4 offense level to be 38, but the Court does find that the
5 amounts involved here were at least 1,000 kilograms of
6 cocaine.

7 And Mr. Graham, I guess the next one is obstruction.

8 MR. GRAHAM: Yes, your Honor.

9 The words that were spoken to the confidential
10 informant are undisputed. The Court not only had a chance
11 to read those when the government made its filing, but it
12 had a chance to listen to the most damning portions of the
13 transcript during the cross examination. Our position is
14 just really very very simple, because I'm not going to
15 justify for one second any of the words that were spoken
16 to the CI. They can't be justified. But the question is
17 whether or not the evidence as a whole establishes
18 obstruction of justice. I would like to comment on the
19 allegations coming from other sources.

20 The, for me, it's beyond credibility that a finding
21 could be made that these other three inmates were honest
22 when we know a statement is allegedly made in August, is
23 not reported until January, and suddenly three people who
24 have access to each other know these details that just
25 happen to be similar. There is a-- Mr. Frasier waits five

1 months until the eve of his sentencing, and then writes a
2 letter and to me, I think that that portion of the
3 evidence should be disregarded.

4 In regard to what the CI said, I can only go to the
5 point that I think was clear from the questions, he never
6 intended any of it. And more importantly, never did one
7 thing to set anything in motion to harm a witness or
8 Mr. Lennon. Again, I'm not justifying the words, they
9 can't be. But the question to me is whether or not he
10 intended, and whether or not he did anything in terms of
11 establishing the proof necessary to prove obstruction.

12 Thank you.

13 THE COURT: Mr. Bruha.

14 MR. BRUHA: We only have to rely solely on the
15 information of the other jail inmates, your Honor, some of
16 which Mr. Jackson has-- I'm sorry, Mr. Logan has
17 acknowledged because we have similar statements in his own
18 words. He acknowledges that he made a statement-- a
19 threatening statement about the prosecutor after-- while
20 he was still incarcerated at Newaygo County before he was
21 released on bond. He continued to make statements about
22 the prosecutor and a federal witness. Mr. Jackson, while
23 he was released on bond or during the time he was released
24 on bond, in California, he says-- he tells the
25 confidential informant he has taken overt acts in

1 furtherance of those feelings, that he has talked to
2 someone about trying to find someone to harm Mr. Jackson
3 in prison. And he is still expressing animus toward the
4 prosecutor and expresses the belief that if he takes the
5 prosecutor out, the case will go away.

6 Then we have Mr. Frasier's letter, after Mr. Logan's
7 bond is revoked, expressing similar feelings and providing
8 personal details about Mr. Lennon indicating that someone
9 or suggesting that someone has been following Mr. Lennon
10 to gather that information. The test is whether Mr. Logan
11 obstructed or attempted to obstruct justice, and in
12 addition to the threatening behavior, he also on tape,
13 told the confidential informant that he had basically told
14 a potential government witness-- a witness that he knew,
15 based upon the statements he made on tape, that had been
16 contacted by law enforcement, not to say anything to law
17 enforcement. And that alone, the government submits,
18 would constitute obstruction of justice or attempted
19 obstruction of justice. So taking the evidence as a
20 whole, the government submits that there is a sufficient
21 basis for a finding of obstruction in this case.

22 THE COURT: Mr. Graham, anything else on this issue?

23 MR. GRAHAM: No.

24 THE COURT: All right. The defendant's explanation
25 for these repeated statements that it was bluster, that he

1 was-- that the statements were made as a product of his
2 angst at the fact that relatives of his, including his
3 wife, were indicted by Mr. Lennon is not credible in the
4 Court's judgment for a number of reasons.

5 First, they're repeated under several different
6 circumstances. If the defendant's explanation may have a
7 little bit more credibility if he had said it once, never
8 to be repeated again, but in this instance, we have three
9 separate instances where the defendant is making
10 references to the fact that he wishes he could kill the
11 prosecutor, wants to kill the prosecutor, first just
12 before his wife was indicted, just before he bonded out,
13 he made statements-- similar statements to the-- made the
14 first statement at that point, tells the CI through
15 similar statements about killing the prosecutor or and/or
16 Mr. Jackson. He tells individuals that he had taken steps
17 to accomplish that, and then while I recognize Mr. Logan
18 denies the statement to Mr. Frasier, and I recognize the
19 circumstances that Mr. Frasier was writing his letter
20 immediately before he was going to be sentenced, the
21 statements on the plane are strangely similar to the
22 statements made in other context. I don't find the
23 defendant's explanation credible at all.

24 And in addition to that, he is advising a witness,
25 who has been contacted by the government, Mr. Massias, not

1 to cooperate. Now, his explanation is that don't tell the
2 government anything because you don't want to implicate
3 yourself. Once again, Mr. Massias was in a position to
4 hurt Mr. Jack-- Mr. Logan. I understand that Mr. Logan
5 was already indicted at that particular point in time, but
6 by his own admission, Mr. Massias was an individual who
7 could give the government information about his
8 activities. That, in the Court's judgment, is an
9 independent ground for the application of obstruction.

10 And I, having heard the evidence regarding the
11 circumstances of Mr. Jackson's shooting, which I don't
12 understand Mr. Jackson's explanation of why he-- if he was
13 an innocent party to this event, why he at least didn't
14 open his mouth and yell to Mr. Jackson, that only takes a
15 split second, to warn Mr. Jackson that someone was armed
16 with a weapon, with ski masks on are headed towards his
17 car, that takes a split second. And under the
18 circumstances to say he didn't have time to say anything
19 to Mr. Jackson is just totally lacking in credibility in
20 the Court's judgment, and shows to the Court that
21 Mr. Jackson has got the wherewithal, if you will, to harm
22 other people, if it's in his interest to do so.

23 The evidence of obstruction here is quite clear. The
24 objection is overruled. The guideline calls for two
25 levels for obstruction. And under the circumstances,

1 given the fact that the evidence on obstruction is so
2 strong, based on what I've heard today, and through the
3 papers that I have read, I think clearly denying
4 acceptance is also appropriate. So acceptance is denied.

5 This is not one of those unusual cases where
6 acceptance should be given when obstruction is assessed,
7 because in the Court's judgment, the testimony as I've
8 said regarding obstruction is particularly strong.

9 Again, I could understand a blustery statement when
10 an individual is mad at a prosecuting official, but not
11 three separate times on three separate occasions. I take
12 Mr. Graham's point about the two other individuals at the
13 jail. That appears to me to be the result of
14 conversations between Mr. Frasier and Mr. Harp and
15 Mr. Johnson, and which Mr. Johnson and Mr. Harp may have
16 been jumping on the bandwagon, so I'm not giving what
17 Mr. Harp and Mr. Johnson said any credibility. But the
18 testimony otherwise is compelling, in the Court's
19 judgment.

20 I believe that exhausts the guideline objections.

21 MR. GRAHAM: Yes, your Honor.

22 THE COURT: Okay. With that, the Court having
23 overruled all of the objections of the defendant, the
24 Court finds that the advisory guideline range in this case
25 is 360 months to life.

1 Mr. Bruha, allocution on behalf of the government,
2 sir.

3 MR. BRUHA: Is the Court going to make any finding as
4 to the objection on amount of money that the defendant
5 was-- received from this illegal activity? I think he was
6 disputing that in the presentence report.

7 MR. GRAHAM: Your Honor, I assumed that your ruling
8 on the quantity kind of went hand in hand with that.

9 THE COURT: Takes care of that.

10 MR. BRUHA: Thank you.

11 MR. GRAHAM: You know, your Honor, if I can make one
12 other point, there is a variance motion that was made, and
13 I just wanted to make sure.

14 THE COURT: You're next on that.

15 MR. GRAHAM: Not that, I just didn't know if you
16 wanted hear that before or after, so I'll wait and do it
17 all at once.

18 THE COURT: I'll give the government the first
19 chance.

20 Mr. Graham, you can make your motion or remind me of
21 the grounds for the motion, because obviously I've read
22 it.

23 Mr. Bruha, go ahead, sir.

24 MR. BRUHA: Thank you, your Honor.

25 Your Honor, this is big time drug trafficking. This

1 is major drug trafficking. Over a thousand-- the
2 defendant has been held accountable for over a thousand
3 kilograms of cocaine, which is approximately six times the
4 amount necessary to trigger the highest offense level
5 under the sentencing guidelines.

6 The Court has heard some of the evidence about the
7 nature and circumstances of the offense, and it has heard
8 more about the history and characteristics of the
9 defendant. Based upon the testimony of Alvin Jackson,
10 some of which Mr. Logan acknowledges, there is evidence
11 that Mr. Logan stole money, a large amount of money from
12 Mr. Jackson during the course of this conspiracy. And
13 based upon Mr. Jackson's testimony, and as the Court
14 pointed out, the very weak response by Mr. Logan, there's
15 certainly strong reason to believe that Mr. Jackson was--
16 Mr. Logan rather, was involved in the attempt to again rip
17 off money from Mr. Jackson at the freightliner location
18 where Mr. Jackson was seriously shot and wounded.
19 Mr. Logan ripped off Mr. Jackson once before, it's not
20 hard to believe that he would try to do it again. And in
21 fact, as we heard on the-- or as we see in the transcripts
22 of the conversations with the confidential informant,
23 Mr. Logan is still trying to get Mr. Jackson's money even
24 after he is indicted in this case.

25 After his Indictment, we have the evidence of his

1 attempt at obstruction of justice by talking about wanting
2 to kill a federal witness or the prosecutor in this case.
3 The government certainly takes such threats very
4 seriously, and such repeated threats are indicative of the
5 kind of individual that Mr. Logan poses.

6 He is talking, while he is on bond, about additional
7 criminal activity. He is talking about trying to--
8 telling a witness not to cooperate. He is talking about
9 marijuana grow operations, ripping off a drug dealer,
10 selling stolen Corvette engines, robbing a marijuana
11 dispensary. I think that kind of conversation, after an
12 individual has been indicted, and is on bond, says a lot
13 about Mr. Logan's state of mind. I understand that--

14 Does the Court want me to address the variance now or
15 wait until the defense arguments?

16 THE COURT: Let's hear from Mr. Graham, and then you
17 can respond.

18 MR. BRUHA: Thank you.

19 THE COURT: Thank you.

20 MR. BRUHA: On the basis of the nature and
21 circumstances of the offense, your Honor, and the history
22 and characteristics of this defendant, the government
23 submits that this defendant fully deserves a guideline
24 sentence in this case.

25 THE COURT: Thank you.

1 Mr. Graham

2 MR. GRAHAM: Your Honor, I apologize for suggesting
3 that I wasn't going to get a chance, it's always awkward
4 for me when I get a presentence report and it says that
5 there is no basis for a variance or departure, and so then
6 I object to that, and so I never know if that's really an
7 objection or whether it's a separate motion. That was my
8 only point. Because, of course, at the end of every
9 report there is commentary on that.

10 Anyway, this is what jumps out at me at the case.
11 I've said it in the papers, and I'm not going to belabor
12 the point, we have been here awhile this afternoon.

13 I understand that the government has arguments based
14 upon what Mr. Logan did after he was released on bond.
15 And I understand that the Court has to consider those
16 things, and has made some very specific findings about
17 some of those things. But in regard to the crime itself,
18 the government knowing what the crime was, and knowing
19 what his conduct was, made a plea offer that had a ten
20 year cap. So apparently the underlying offense was such
21 that the government was satisfied that a ten year cap
22 would adequately address it. And now, and again, I'm not
23 condoning anything that has happened since. I'm not
24 condoning anything that-- any of the statements that were
25 made that the Court has found to have been made, but I

1 would note one thing, when that offer was made, whatever
2 happened with Mr. Jackson in this shooting was known to
3 the government. And it just seems to me to go from
4 something that is acceptable at ten years to 360 to life,
5 just doesn't make sense to me in terms of what is fair for
6 the conduct.

7 The only other thing I would note is, and again, I'm
8 not saying the circumstances are identical, but the only
9 other courier punished in this case received a sentence of
10 36 months. He was held accountable not for a thousand
11 kilos, but for 660 kilos. The Court sentenced him and
12 Mr. Emerson and is aware of, I think, the circumstances,
13 so 660 kilos meant 36 months, and so for those two
14 reasons, and then everything else that I have presented in
15 writing that I know the Court has considered, I suggest
16 that a variance is appropriate.

17 And then just so that we are clear about how we were
18 hoping to address the Court when we reached the time for
19 Mr. Logan's allocution, Mr. Terrell is going to address
20 the Court, if that's okay.

21 THE COURT: Instead of the defendant?

22 MR. GRAHAM: No, both of them. Instead of counsel, I
23 guess, when we do allocution, I normally consider there to
24 be counsel's arguments and then the defendant's statement.

25 THE COURT: Oh, I see what you are saying, okay.

1 That's fine.

2 MR. GRAHAM: Thank you.

3 THE COURT: That's fine.

4 Mr. Bruha, do you have any other comments on the
5 issue of the variance?

6 MR. BRUHA: Yes, your Honor. I certainly don't see
7 or understand how a plea agreement that is rejected by a
8 defendant somehow serves as a basis for a downward
9 variance. The plea agreement was entered into before the
10 government had any knowledge of the threats by Mr. Logan,
11 it was before he disputed relevant conduct in this case.

12 Mr. Logan seems to want to have his cake and eat it too,
13 in that he now wants the benefit of a plea agreement--
14 plea bargain that he rejected and that was never accepted
15 by any court. And the government certainly does not think
16 that that constitutes a basis for any type of downward
17 variance now that the Court has a fuller picture of the
18 defendant's criminal conduct, and his obstruction of
19 justice. And the Court is aware of the circumstances of
20 the other courier, Mr. Emerson, who cooperated-- unlike
21 Mr. Logan, cooperated immediately, and extensively, and
22 who had very serious health issues. So I don't think
23 Mr. Logan can compare himself to Mr. Emerson either.

24 And for those reasons, your Honor, the government
25 would ask that the motion for downward variance be denied.

1 THE COURT: Thank you.

2 Mr. Terrell.

3 MR. TERRELL: Thank you, your Honor.

4 THE COURT: Allocution on behalf of the defendant.

5 MR. TERRELL: Thank you very much, your Honor.

6 Your Honor, I heard the government talk about the
7 history and characteristics of Mr. Logan, and this whole
8 case involves at least characteristics that the government
9 is trying to portray is what has happened in a four year
10 period, approximately 2003 to 2007. That's why I found it
11 odd when the government talked about Mr. Logan's second
12 wife, when she was murdered, that took place before any
13 drug involvement, but there was some type of inference
14 that Mr. Logan was somehow involved in that. I don't
15 understand why that was brought up.

16 I'm Mr. Logan's attorney, but I've known Mr. Logan
17 for 40 years. I know his whole family for 40 years,
18 because we live in the same area, Carson. And I heard,
19 when Mr. Logan talked about hustling, because he had a job
20 as a rubbish collector for about 15 to 20 years, and I
21 used to see him when I used to jog. The point that I'm
22 trying to make is that there is a Emond Logan that was not
23 portrayed or demonstrated by the government at all. A man
24 who, outside of this period in dealing with Mr. Jackson,
25 who by his own admission is a career drug dealer for some

1 over 30 years, Mr. Logan was not. Mr. Logan has a mother,
2 and a father, brothers and sisters, cousins, and family
3 members, a family person for the super majority of his
4 life.

5 Mr. Logan made mistakes, which this Court has heard.
6 But there is an Emond Logan that the government does not
7 want you to know about. That Emond Logan was a good
8 citizen who happened to get caught up with a group of bad
9 people, and he made mistakes. But this man who is now
10 basically fighting for his life, because let's be up front
11 and honest, 360 months to life is a life sentence for
12 Mr. Logan, a man in his fifties.

13 I think this Court received several letters from
14 family members, people who know Mr. Logan. A person who
15 somehow the government did not see, they're looking and
16 trying to create Mr. Logan as a monster. Emond Logan is
17 not a monster. Again, I share with Mr. Graham, cannot
18 condone those comments, but Mr. Logan is not some massive
19 drug kingpin who orders hits on people left and right,
20 left and right. Mr. Logan is a man who played little
21 league baseball, has his kids in college, raised a family,
22 had a legitimate business for the majority of his life.
23 And what we are trying to do is make sure this Court saves
24 a part of his life outside of being incarcerated. And I
25 think the letters and the comments, my personal knowledge,

1 not just as an attorney, because as an attorney I have to
2 be an advocate, but as a person who knows him for quite
3 awhile, I would hope the Court would take that into
4 consideration.

5 Thank you, your Honor.

6 THE COURT: Thank you, counsel.

7 Mr. Logan, is there anything you wish to say, sir, on
8 your own behalf? You may proceed as you wish.

9 THE DEFENDANT: I would just like to apologize for my
10 role that I played. I mean you heard what the prosecution
11 is saying about me, but I didn't have anything to do with
12 trying to kill my brother-in-law or set him up or do
13 anything like that. Even when Alvin was saying that I
14 came to him, that's not true, he came to me and asked me
15 to do that for him.

16 Never was no intent to try to harm Mr. Lennon or
17 anybody. Just like I said, I was talking out of my head,
18 and I apologize for that.

19 I got involved with what my brother-in-law and doing
20 things that were wrong, and I shouldn't have done that.
21 But like I said, I apologize to the families that I
22 probably hurt by doing that. I know pretty much how that
23 feels, because I lost my first wife to crack cocaine, what
24 separated us was drugs. It hurts too when they try to say
25 that I had something to do with my wife's murder. I never

1 harmed nobody or never tried to kill anyone.

2 I don't know what else to say, your Honor. But just
3 hopefully that the Court will have mercy on me and give me
4 the variance that I think I deserve. I mean I don't see
5 what 30 years is going to do to a man who is 50 years
6 old. I mean if I get ten years, I'm still going to be
7 almost 60 years old before I get out.

8 Like I said, I apologize for the things that I said.
9 I'm ready for the Court to impose sentence on me.

10 THE COURT: Thank you, sir.

11 It is the Court's duty to impose a sentence
12 sufficient, but not greater than necessary to comply with
13 the purposes of sentencing set forth in 18 U.S. Code
14 3553(a).

15 The Court recognizes the guidelines are advisory to
16 the Court, but I have taken the guidelines into account as
17 an initial benchmark or starting point when sentencing in
18 this case.

19 I recognize I must make an individualized assessment
20 based on the facts presented. The guideline range is one
21 of the array of factors warranting consideration.

22 I also fully recognize my discretion in determining
23 an appropriate sentence as recognized by the United States
24 Supreme Court in its decisions in Booker, Kimbrough, Rita,
25 Gall, Spears, and the recent Sixth Circuit case of

1 Herrera-Zuniga.

2 I have considered all of the defendant's arguments in
3 support of his request for a lower sentence.

4 The 3553 factors are the nature and circumstances of
5 the offense, and the history and characteristics of the
6 defendant. The sentence must reflect the seriousness of
7 the offense; promote respect for law; provide just
8 punishment for the offense; afford adequate deterrence to
9 criminal conduct; protect the public from further crimes
10 of the defendant; provide the defendant with needed
11 medical, educational, and/or correctional treatment; the
12 need to avoid unwarranted sentencing disparity among
13 similarly situated defendants; any guideline policy
14 statements that pertain; and the kinds of sentences
15 available to the Court.

16 The Court has had the benefit of the government's
17 sentencing memorandum as well as the defendant's motion
18 for a variance, the government's memorandum in support
19 thereof, as well as several letters received by the Court
20 on Mr. Logan's behalf.

21 It's clear to the Court that Mr. Logan has the love
22 and support of his family. He reports to the presentence
23 officer that he had a good childhood. And to
24 Mr. Terrell's point, which he made eloquently, that for a
25 significant period of time, Mr. Logan was engaged in a

1 legitimate business to support himself and his family.
2 Something, however, went terribly wrong in the middle of
3 the last decade in which Mr. Logan was deeply involved in
4 one of the largest drug conspiracy cases that this Court
5 has seen in my three and a half years on the federal
6 bench. As the government appropriately points out, the
7 amount of drugs involved here was more than six times the
8 threshold amount for a Level 38 as the base offense level
9 in this case.

10 The charge to which the defendant offered a plea
11 carries a mandatory ten year sentence and a maximum of
12 life. Clearly that shows congressional and executive
13 branch understanding that the offense to which the
14 defendant has been convicted, is one of the most serious
15 crimes that you can be convicted of under the federal
16 penal code.

17 The Court views the-- this offense, the breath and
18 depth of this conspiracy, in terms of the amount of drugs
19 that were placed on the streets of the State of Michigan,
20 is stunning to me, and I'm just-- as part of my evaluation
21 of this case in terms of what just punishment is for this
22 offense, I've got to be thinking at least in part upon the
23 people who had the opportunity to ingest all of these
24 drugs, whether they be powder cocaine in the fashion that
25 it was delivered from California or whether it was

1 delivered on the streets in some other form. Obviously
2 this is a powder cocaine case, and I understand that, but
3 the devastation of the amounts of drugs that were part of
4 this conspiracy on the communities in-- mostly, I gather,
5 on the eastern side of the state, this is the sort of
6 activity that has sapped the vitality out of the biggest
7 city in our state, the City of Detroit. This poison is
8 put out on the streets by individuals like Mr. Logan and
9 Mr. Jackson, and unfortunately, there is a market for it
10 on the streets, and it just devastates communities. So
11 devastates communities, devastates individuals, and
12 families like Mr. Logan's, with aunts, and uncles, and
13 brothers, and sisters, and youngsters who get hooked on
14 this poison because of the efforts of Mr. Logan and
15 Mr. Jackson and his co-conspirators for what purpose, to
16 make money, to make so much money that they don't even
17 know which end is up, as far as the money flow that is
18 coming in. A sentence must reflect that devastation to
19 the communities, because it will provide just punishment
20 for the activity.

21 Now, I recognize as based on Mr. Terrell's argument,
22 and based on the letters that I received that, there was
23 at some point in time, Mr. Logan was perhaps on the right
24 track, although I would note that he's got a robbery
25 conviction when he was 26 years old, not a situation where

1 he is committing a robbery under the impulse of being a
2 late teen, but at the age of 26, he is involved in a
3 robbery. There is a disturbing pattern of violence here
4 which the Court sees in Mr. Logan's record and the
5 incidents that have-- that the Court has heard about here
6 today.

7 He admits stealing a large sum of money from
8 Mr. Jackson before. In the Court's judgment, based on
9 what I heard in evaluating the credibility of the
10 witnesses who have testified, this was deja vu all over
11 again, in the Court's judgment. This was a rip off of
12 Mr. Jackson's money at the very least, and I don't accept
13 the defendant's assertions that he was not involved in
14 this-- in this shooting. It's inconceivable to me how he
15 survived. And if indeed it was just a robbery, why would
16 Mr. Logan come out scott free without a scratch
17 apparently, when we have two individuals masked, one of--
18 at least one of which has a gun, why is it that Mr. Logan
19 walks away clean? Why is it that Mr. Logan doesn't even
20 take the millisecond it takes to warn Mr. Jackson about
21 the fact that he is about to get shot? I couple that with
22 the robbery conviction back when he was age 26, and I see
23 a pattern of the use of violence to accomplish what
24 Mr. Logan wants to accomplish.

25 In the Court's judgment, he is a very severe threat

1 to the public, and my sentence must protect the public
2 from further crimes of this defendant. He is a high risk
3 for recidivism.

4 Where Mr. Logan went wrong is beyond me. But he just
5 got involved in this drug culture of money and drugs and
6 just lost, if he had his way, being pro social, he lost
7 it. And threatening a prosecutor now, and I recognize the
8 defendant's assertion this is all bluster and he didn't
9 intend to do it, but I think-- the Court concludes it's a
10 fair inference, based on this shooting of Mr. Jackson,
11 that Mr. Logan is not telling the truth in regard to
12 whether, if he could, he would accomplish a hit on either
13 Mr. Jackson or Mr. Lennon. That, in the Court's judgment,
14 of course, I applied two levels for obstruction, but that
15 in the Court's judgment is an aggravating factor within
16 the guideline range which calls for a sentence higher than
17 the minimum guideline range in this particular case.

18 I also must be mindful of general deterrence of
19 others who might contemplate similar drug dealing
20 activity, and I have done so in fashioning a sentence in
21 this particular case.

22 I must impose a sentence sufficient, but not greater
23 than necessary, to comply with the purposes of
24 sentencing.

25 I recognize that Mr. Logan is 50 years old. And I

1 recognize that this is a sentence of substantial length,
2 may result in Mr. Logan being incarcerated for the rest of
3 his life. But regretfully, his criminal conduct justifies
4 it, in the Court's judgment.

5 So having considered all of the factors-- 3553
6 factors that the Court is required to consider, I
7 recognize that the guideline range is advisory to the
8 Court. It's the judgment of the Court that the defendant
9 be committed to the custody of the Bureau of Prisons to be
10 imprisoned for a term of 420 months.

11 Upon release from imprisonment, the defendant shall
12 be placed on supervised release for a term of five years.

13 Within 72 hours of release from custody of the Bureau
14 of Prisons, the defendant shall report in person to the
15 probation office in the district to which he is released.

16 While on supervised release, the defendant shall
17 comply with the mandatory and standard conditions of
18 supervision, including DNA collection, drug testing. He
19 is not to possess any firearms, destructive devices, or
20 dangerous weapons.

21 Additionally, the defendant shall comply with the
22 following special conditions of supervision:

23 Provide his probation officer with access to any
24 requested financial information.

25 He shall not apply for nor enter into any loan or

1 other credit transaction without the prior approval of his
2 probation officer.

3 The special assessment is ordered of \$100 is due and
4 payable immediately.

5 The Court finds the defendant does not have the
6 ability to pay a fine, accordingly, the fine is waived in
7 this case.

8 One more thing on the reasons for my sentence, just
9 to address two other items that Mr. Graham raised, that
10 is, the sentence for Mr. Jackson. Mr. Jackson got a
11 substantial assistance motion from the government for his
12 cooperation. That alone distinguishes Mr. Logan's case
13 from Mr. Jackson's case. In addition to that, Mr. Jackson
14 also got acceptance of responsibility. As to Mr. Emerson,
15 Mr. Emerson's case is so different than Mr. Logan's that I
16 don't think it needs further reflection. I gave
17 Mr. Emerson a low sentence, as has been pointed out,
18 Mr. Emerson had health issues, and as the government has
19 pointed out, he immediately cooperated with the
20 government.

21 The last point is the fact that at one point in time,
22 Mr. Logan had a plea agreement that capped his sentence at
23 ten years, number one, that assumes that a Judge on this
24 bench would have accepted that. That really is not-- is
25 not knowable, obviously. But I would also note that the

1 defendant apparently rejected that plea agreement
2 protesting his innocence, and I would suspect that the
3 offer was made largely because Mr. Logan, if he had chosen
4 to cooperate with the government, would have been of
5 substantial assistance to the government. Again, I don't
6 know that, but the whys and wherefores of the plea
7 agreement, in the Court's judgment, are very irrelevant to
8 this sentence simply because it's very similar to a
9 situation where a defendant rejects a plea agreement and
10 chooses to go to trial. Those are choices the defendant
11 makes. They have an absolute right to go to trial if they
12 wish. In this case, the defendant, after reflection,
13 apparently decided that he wished to offer a plea of
14 guilty, for reasons that are not known to the Court, but
15 the fact that he had a more favorable plea agreement at
16 another time is not a factor at all in the Court's
17 judgment, and should not be considered, and has not been
18 considered by the Court.

19 I would also note that the threats to the-- threats
20 to the prosecutor continued. The shooting regarding Mr.
21 Jackson was known, but the threats to Mr. Jackson and the
22 threats to Mr. Lennon were not known, and that clearly
23 distinguishes Mr. Logan's position now as opposed to if he
24 had chosen to take the plea agreement.

25 Mr. Graham, any recommendations to the Bureau of

1 Prisons that you would like?

2 MR. GRAHAM: Just that he be housed as close to his
3 family in California as possible.

4 THE COURT: All right. So recommended.

5 Mr. Graham, are you satisfied that I've addressed all
6 of your arguments on the record?

7 MR. GRAHAM: Yes, your Honor.

8 THE COURT: Any legal objections to the sentence
9 imposed?

10 MR. GRAHAM: None, other than made.

11 THE COURT: Thank you.

12 Mr. Bruha, are there counts to be dismissed?

13 MR. BRUHA: Yes, your Honor. Pursuant to the terms
14 of the plea agreement, the government moves to dismiss
15 Count Three of the Second Superceding Indictment, and any
16 other Indictments as to this defendant.

17 THE COURT: Those counts are dismissed pursuant to
18 the plea agreement.

19 Mr. Bruha, any legal objections to the sentence
20 imposed?

21 MR. BRUHA: No, your Honor.

22 THE COURT: Mr. Logan, I advise you, sir, you can
23 appeal your conviction if you believe that your guilty
24 plea was somehow unlawful or involuntary, or if there is
25 some other fundamental defect in the proceeding not waived

1 by your guilty plea.

2 You also have a statutory right to appeal your
3 sentence under certain circumstances, particularly if you
4 think the sentence is contrary to law. However, a
5 defendant may waive those rights as part of a plea
6 agreement, and you have entered into a plea agreement
7 which waives some or all of your rights to appeal the
8 sentence itself. Such waivers are generally enforceable,
9 but if you believe your waiver is unenforceable, you can
10 present that argument to the appellate court.

11 You have the right to apply for leave to appeal in
12 forma pauperis, if you are poor. If you wish to do so,
13 with a few exceptions, you need to file the documents for
14 which your attorney is acknowledging receipt on your
15 behalf within 14 days of the entry of the judgment in this
16 case. If you file the documents, the Clerk of the Court
17 will prepare and file a notice of appeal upon your
18 request.

19 Anything further before I remand the defendant?

20 MR. BRUHA: No, your Honor.

21 MR. GRAHAM: No, your Honor.

22 THE COURT: Defendant is remanded to the custody of
23 the marshal for execution of sentence.

24 COURT CLERK: All rise, please.

25 Court is adjourned.

1 (At 4:29 p.m., proceedings were concluded.)

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REPORTER'S CERTIFICATE

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I, Kathleen S. Thomas, Official Court Reporter for

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the United States District Court for the Western District

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of Michigan, appointed pursuant to the provisions of Title

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28, United States Code, Section 753, do hereby certify

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that the foregoing is a true and correct transcript of

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proceedings had in the within-entitled and numbered cause

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on the date hereinbefore set forth; and I do further

16

certify that the foregoing transcript has been prepared by

17

me or under my direction.

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19

20

/s/

21

Kathleen S. Thomas, CSR-1300, RPR

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U.S. District Court Reporter

410 West Michigan

23

Kalamazoo, Michigan 49007

24

25

KATHLEEN S. THOMAS, U.S. District Court Reporter
410 West Michigan Avenue, Kalamazoo, Michigan 49007
(269)385-3050